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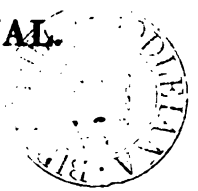
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THE

BRITISH AND FOREIGN REVIEW;

OR,

EUROPEAN QUARTERLY JOURNAL.



"In primisque hominis est propria veri inquisitio atque investigatio."

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London and Westminster Review, Article IV. "Poor Laws in Ireland."

Of the many works on the State of Ireland which have issued from the press within the last twelve months, the above are, beyond all question, the most important. The two first are official; the three next are semi-official; whilst the last is a calm and philosophical examination, not only of the question to which they relate, but also of their manner of dealing with the evidence.

Although the works which we have quoted are very far from agreeing upon a remedy for the evils which they unfold—the official publications being opposed to a poor law, and the rest in favour of such a measure—they have, nevertheless, all contributed to lay bare the misery of Ireland to the people of this country; and the result has been—notwithstanding any thing which may have been said or written to the contrary—

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a very general awakening of the warmest sympathy for the suffering people of the sister kingdom.

Until very recently, our knowledge of the state of Ireland was lamentably deficient. Within the last two years better evidence has been obtained; and our information is now as precise and accurate, as it was before vague and unsatisfactory.

This change is wholly attributable to the improved manner of obtaining information. Formerly, a parliamentary committee was the approved instrument for collecting evidence, both oral and documentary, on all classes of subjects. It must, however, be obvious, that for collecting certain kinds of evidence, especially such as must be drawn from various and remote localities, a parliamentary committee is but a clumsy contrivance. Its place of sitting is in London; and being stationary, it is only competent to hear and record such evidence as can readily be brought within its reach. Evidence relative to the state of the Irish people for instance, could not well be obtained from their own lips. An Irish bishop, an Irish peer, or a great Irish landowner, can make himself heard there as well as any where. But can the starving peasant, or wandering mendicant, be heard in his own behalf? Certainly not. If, then, there exists certain evidence which it is desirable to possess, but which cannot be obtained at a distance from its own locality, it is evident that persons must be sent to collect it. This constitutes a Commission of Inquiry.

In 1834, government, having become convinced of the incompetency of a parliamentary committee, to obtain such evidence as they desired to possess, relative to the state of the poorer classes of the population of Ireland, appointed a commission for that purpose. To this commission we are indebted for one of the most complete bodies of evidence ever brought together, on the state of the Irish people; and the works quoted at the head of this article may be regarded as conclusions deduced therefrom. These works, together with the evidence on which they are based, it is our intention to examine, with the two-fold object of laying before our readers a brief description of the condition of the Irish people, and of ascertaining how far a system of compulsory relief is calculated to remedy the frightful evils which it will be our duty to unfold.

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We have said that the report of the commissioners and the remarks of Mr. Bicheno are directed against the institution of a poor law for Ireland, whilst the works of Messrs. Cornewall Lewis and John Revans are in favour of such a measure. We must here remark, that the position of the two gentlemen just named, gives them a degree of authority nowise inferior to that of the commissioners. Mr. Lewis was employed on the Irish commission as an assistant commissioner; and Mr. Revans, after having performed the duty of secretary to the English commission of inquiry, to the satisfaction of ministers, and we may add, to that of the public at large, was very properly selected to organize the Irish commission—a task which he appears to have performed in the most complete and satisfactory manner. To him, we believe, we are indebted for the admirable arrangement of the evidence, and we shall presently see that his mode of dealing with that evidence is such, as to prove that the confidence which His Majesty's government has reposed in him, has not been ill-placed. Whatever may be said of the Whigs generally, some praise is due to them for their selection of competent working men, where such selection was the thing needful.

The author of the article quoted last on our list, takes the same view as Messrs. Revans and Lewis, and we may here state, that a very careful consideration of the question induces us to throw our weight—such as it is—into the same scale; and we think we shall have no difficulty in showing that we are abundantly justified by the evidence, in so doing.

The first conviction which results from a careful perusal of any considerable portion of the evidence—a dozen pages will almost answer the purpose—is the excessive misery of the mass of the people. The first 80 or 90 pages of Mr. Revans's book are almost wholly devoted to the establishment of this important point, and Mr. Bicheno's "remarks" will be found to be not an unimportant guide to the evidence in proof of the proposition.

In England, a broad line of distinction exists between capitalists and labourers; in Ireland, the distinction is almost wholly unknown. A class of labourers, as we understand the term, is also unknown in Ireland. Almost the whole of the population are occupiers of land, but occasionally—we are almost tempted to say generally—the holding is too small to afford the

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peasant even a scanty subsistence for himself and family; in which case, casual labour and mendicancy are the means to which the peasant resorts to make up the deficiency.

Land is held in Ireland either by the year or by the crop. The tenants are either small Farmers, occupying from five to ten or twelve acres, and *employing labourers*, or Cottiers, holding seldom more than two acres, and sometimes much less, for which they give their labour as rent. Those who take land by the crop, are called *con-acre* men. Neither the cottiers, nor the con-acre men, employ labourers.

The last named class is that which furnishes the casual labour to be met with in Ireland. The cottiers always pay the rent of their holdings by means of actual labour, in the service of the small farmer under whom they hold; and the con-acre men "are always ready to work for hire, when "there is employment for them."

Mr. Bicheno states on the authority of official returns, that the "labourers employed in agriculture" and the "occupiers "(cottiers and con-acre men) not employing labourers," amount to 1,131,715, whilst the class of "occupiers employing la- "bourers, are only 95,340*. The two first descriptions "pretty accurately include," says Mr. Bicheno, "the cottier "tenants and cottier labourers; and as these are nearly all "heads of families, it may be inferred from hence, how large "a portion of the soil of Ireland is cultivated by a peasant "tenantry."

All these classes of the peasantry are completely destitute of any thing deserving the name of capital. Employment, as we understand it, is consequently rare; hence the possession of a small lot of land becomes the only means of obtaining a subsistence.

Absolute starvation, or vagrancy on the one hand, or the possession of land on the other, being the alternatives, we must not be surprised at the extraordinary eagerness of the Irish peasant, first to obtain, and afterwards to keep, possession. Out of their eagerness to obtain land arises the pernicious custom of bidding many times as much as they can possibly pay in the shape of rent.

Of the excessive bidding for land, and of the system of

* 10,000 English occupiers of land would give employment to more hands than 100,000 Irish occupiers.

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nominal rents, to which the extraordinary competition gives rise, the following extracts will afford a tolerably clear conception.

" *Galway.*—If I now let it be known that I had a farm of five acres to be let, I should have fifty bidders in twenty-four hours; and all of them would be ready to *promise any rent that might be asked.*"—*Mr. Bermingham's Evidence.*

" The labourer is, from the absence of any other means of subsisting himself and family, thrown upon the hire of land, and the land he must hire, at any rate. The payment of the promised rent is an after consideration; he always offers such a rent as leaves him nothing of the produce for his own use but potatoes, his corn being entirely for his landlord."—*Evidence of the Rev. Mr. Hughes, P.P., and of Parker.*

" *Leitrim.*—So great is the competition for small holdings, that if a farm of five acres were vacant, I really believe that nine out of every ten men in the neighbourhood would bid for it, if they thought they had the least chance of getting it; they would be prepared to outbid each other *ad infinitum*, in order to get possession of the land. *The rent which the people themselves would deem moderate, would not in any case admit of their making use of any other food than potatoes;* there are even many instances in this barony where the occupier cannot feed himself and family off the land he holds. In his anxiety to grow as much oats (his only marketable produce) as will meet the various claims upon him, he devotes so small a space to the cultivation of potatoes, that he is obliged to take a portion of con-acre, and to pay for it by wages, earned at a time when he would have been better employed on his own account."—*Rev. T. M'Guire, P.P.*

The excessive rent thus promised by the occupier, is suffered to accumulate from year to year as a debt due to the landlord. " The landlord (says the Rev. Mr. Hughes) takes on account " whatever portion of the rent the tenant may be able to offer; " the remainder he does not remit, but allows to remain over. " A remission of a portion of the rent, either in plentiful or " scarce seasons, is never made as a matter of course; when it " does take place, it is looked upon as a matter of favour*."

In order to meet as large a portion of this nominal rent, and thereby to leave himself as little in debt, as possible, the peasant is compelled to subsist on the very lowest description of food, capable of supporting human existence. Potatoes of the worst kind, called *lumpers*, are alone consumed by the peasantry; the better kinds, called *cups* and *apples*, being grown only for market, whence they find their way to the tables of the rich, or are exported. Lumpers are described in the evidence as scarcely fit for human food, but then they yield a very heavy crop, whilst the better kinds yield much less. An instance of the rapacity of an Irish

* See *Revans*, pages 11, 12, 13, for copious extracts to the same effect.

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landlord is related by Mr. Bicheno; we quote it as an illustration of what we have just stated:—

"A landlord passing the door of one of his tenants—a small occupier, who was in arrear with his rent—saw one of his daughters washing potatoes at his door, and, perceiving that they were of the apple kind, asked if they were intended for their dinner. Upon being answered that they were, he entered the house, and asked the tenant what he meant by eating *apple* potatoes, when they were fetching so good a price in Dublin, and why he did not pay him (the landlord) his rent?"

The inevitable consequence of depending on the potatoe for food is, that there must be a period of famine for some months during every year, for the simple reason that, even under the most favourable circumstances, the old crop will not keep till the new crop is gathered in. "Potatoes" (says Mr. Revans, following witnesses without number) "become bad about the "end of June or beginning of July, and the new crop does "not come in until the end of August or the middle of Sep-"tember."

"So severe," continues Mr. Revans, "are the sufferings of the peasantry during the months of June, July, August, and September, that even the most quiet and best disposed yield to the cravings of nature; and, remarkable as the Irish peasantry are for patient endurance of misery, they are then continually driven to commit depredations. Provisions of every description are stolen by them; and pits, and outhouses, containing potatoes, are frequently broken open. Potatoes, cabbages, and turnips, are rooted up whilst growing. Provision-boats on the canals, and provision-carts on the roads, are either robbed, or the sale of their contents enforced, to prevent their going out of the districts. Sacks are cut whilst standing in the markets, or in carts on the roads, and the provisions thus strewn on the ground. Corn stores and bakers' shops are broken into, and cows are milked during the night."—(*Revans*, p 40.)

When unpossessed of land, mendicancy is necessarily resorted to by the peasantry, to a great extent. The able bodied use all possible exertions to obtain employment, but as the class employing labour is so exceedingly small, it will be easily conceived that their efforts are seldom successful. The labourer's wife and children are sent forth to beg, and, in the end, he is not unfrequently compelled to join them, until he is fortunate enough, by a bold bid, to obtain possession of land, in which case the period of the gathering of the crop affords him relief.

Under such a state of things, the accumulation of capital is next to impossible. The whole of what remains of the produce, after the peasant has drawn his scanty subsistence, goes to the landlord as rent; and even then, as we have seen, there

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is always a considerable amount in arrear. If the tenant, under such circumstances, possess himself of a better instrument of agriculture, or of any article of a moveable nature, it is of course seized upon by the landlord or his agent; and if the tenant, by additional or more careful labour, adds value to the land, the increased produce consequent thereon accrues to the landlord, in payment of a portion of the perpetual arrear. What motive can the peasant have to save? evidently none.

The inducements to marriage in Ireland, springing out of the peculiar state of the people, are very great. The aged are invariably supported by their children, hence no one will be without such means of support in old age, if he can avoid it. "No act," says Mr. Revans, p. 52, "is considered more "thoroughly to degrade the young, or more certainly brings "upon them the indignation of their neighbours, than refusing "food and shelter to their aged parents." Early—they cannot strictly be called improvident—marriages are therefore almost universal, the only exceptions being where the peasant has something to lose.

Land then being the sole means of obtaining a subsistence, open to the people, the retention of the holding, after having obtained possession, becomes a matter of the first importance. Hence "they are compelled," in the language of Mr. Revans (p. 93), "to enter into a general combination, in defiance "of the laws, and to commit atrocities of the most frightful "description, for the purpose of preventing ejectment." To the proof of this proposition, nearly the whole of Mr. Lewis's book is devoted. He shows, by the most abundant evidence, "that the disturbed state of Ireland is the consequence, "neither of politics nor of religion, but wholly and exclusively "of the entire dependence of the people upon the land*."

Where the government of a country fails to protect the people from an evil which presses with peculiar severity on the most numerous class—and this must always be the case where the ruling power is in the hands of a minority—the people are very apt to make even a morality, and a species of law, suited to their own urgent wants. The crimes of the Irish peasantry are

* Out of 411 crimes committed in Munster, no less than 288 were connected with land, 65 to obtain arms, and only five arose out of political and religious feeling.

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in a great measure to be explained on this principle. By the mass of the people they are not regarded as crimes, but rather as a just measure of punishment for a species of crime committed against themselves, which the legislature has refused to recognise as such. Here we are disposed to beg the reader's attention to a somewhat long, but most interesting, extract from Mr. Revans's book, which will repay a very careful perusal.

"The direct effect of the importance of land to the peasantry, is a general combination, in defiance of the laws, to prevent ejectment from their holdings; from which it may be said, without fear of contradiction, that nine-tenths of the violence to person, and of the destruction to property, in Ireland proceeds. To be convinced of this, it is only necessary to watch the assigned cause for the various atrocities which are related in the English papers. So strictly is it a fact, that if a law could be passed, capable of preventing exorbitant rents and consequent ejectment from holdings under ten acres, the Irish people would form one of the most peaceful communities in Europe. Outrage upon person and upon property would be almost unknown amongst them. When the crimes committed in Ireland are enumerated, and the motives which lead to them are suppressed, the peasantry appear to be actuated by the most savage feelings. But when the motives for their committal, and the mode of effecting these outrages, are considered, they appear rather as cool and deliberate punishments, inflicted by a community upon those who had offended against the general laws of that community;—laws enacted not by the legislature, but by a still more powerful lawgiver—public opinion. Putting to death is not necessarily murder: no one says that an executioner has murdered those whom he has put to death. Beating a man is not necessarily a crime: no one says that the drummer of a regiment who has flogged a hundred men, has committed a hundred crimes. It is very important, therefore, when we learn that a man has put another to death, or has beaten him severely, to know whether he has done so from personal malice, or whether he has been the mere instrument for giving effect to the decision of the community.

"So systematic and free from personal feeling are the outrages in Ireland, as to want but the formal trial, in order to give the whole proceeding the character of a legal punishment. It appears as though the legislature had omitted to provide for the wants of society in one particular, and that society had privately filled up the omission.

"The principal portion of the crimes committed in the rural districts in Ireland have these remarkable features:—

"*First*, That they are rarely committed by the aggrieved party; but most frequently by persons who come from a distance, and to whom the individual or the property to be injured was previously unknown.

"*Secondly*, That these crimes receive the sanction not only of the aggrieved party, but of the whole of the peasantry in the neighbourhood in which they are perpetrated, and in every other part of Ireland.

"*Thirdly*, That this sanction is only extended to crimes against individuals who have taken lands, from which others have been ejected; against the person who served notice of ejectment, who has ejected, or has distrained for rent, and upon the keeper in charge of the holding. The crimes appear to be, shooting the individual, burning his property, maiming and destroying his cattle, and forcibly retaking the lands.

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"Although the trial in each case does not become public, there is every reason to believe that a council is in every instance held before the committal of an outrage, and that the species of outrage is determined by the council, after weighing the circumstances which have excited the displeasure of the peasantry of the neighbourhood. Notice is then sent to some distant fraternity, with the signs by which those who are chosen to commit the crime can make themselves known to the council, in order that the person or the property destined for injury may be pointed out. These councils are known by the titles of riband-societies, whitefeet, blackfeet, whiteboys, and by a variety of others, which change with place and with time. Many of these societies originated in private or party squabbles, but seem quickly to have espoused the great grievance, but for which they would have expired nearly as soon as they were created."

In support of what is above stated, Mr. Revans gives no less than eleven pages * of extracts from the evidence, drawn from every part of Ireland. Indeed, the works both of Mr. Revans and Mr. Lewis have this valuable feature, that not a single proposition is advanced, for which the most ample evidence is not at hand. Mr. Lewis's book is, in truth, overloaded with evidence.

Mr. Revans further observes—

"It is a proof of the sanction of the peasantry, that the man who has committed a murder does not conceal the fact, but boasts of it. He is one who is believed to have done an essential good to society, and knows that by the people he is deemed entitled to shelter, to work, to food, and to every indulgence and every mark of favour, which they can bestow."—(*Page* 34.)

And again:

"In further proof of the feeling prevalent amongst the peasantry on this subject, I may cite the extraordinary case of a man who came into a neighbourhood in which he was unknown, and accused himself of murder. On being arrested, and questioned by the magistrates, it turned out that he had falsely accused himself, well knowing that the accusation would procure him food and shelter. It is notorious that the farmers feel bound to find work for persons who may be guilty of such offences, and that the peasantry look upon those who are hanged or transported for such offences, as martyrs for the general good, and that they protect and cherish their widows and orphans."—(*Page* 35.)

More evidence follows. But as what we have said can scarcely fail to carry conviction to the mind of the reader, we shall not overload our pages with what, in such a case, would be supererogatory matter. We therefore assume it as placed beyond a doubt, that the dread of destitution is the immediate cause of nominal rents. That feeling is also the parent of most of the crimes which are committed in Ireland. Nominal rents compel the peasantry to subsist on the smallest quantity and lowest quality of food, capable of supporting human

* From page 23 to 33 inclusive.

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existence, and utterly prevent the accumulation of capital, which alone can lead to the improvement of the people; whilst at the same time the state of turbulence (the consequence, be it remembered, of the importance of land to the peasantry) which prevails, effectually prevents the introduction of capital from other countries. Other evils flow from the constant presence of a fear of destitution; but as we have already pointed them out, we deem it unnecessary to recapitulate them here; we shall therefore at once proceed to the consideration of a poor law, as a remedy for those evils.

The dread of destitution being thus shown to be the cause, either immediate or remote, of nearly all the evils which the people of Ireland have so long suffered, the remedy is, of course, to be sought in the means of removing that dread; and this object, we think, we shall be able to show, with the aid of the works at the head of this article, can only be attained by conferring on the population a legal right to relief.

It must be borne in mind, that under the existing state of things the population is fed—miserably fed, it is true—but still it is fed. Some of the people, as we have seen, draw their subsistence from the soil held by themselves; others obtain a subsistence in part from a small holding, and in part from employment; whilst others, who have neither land nor employment, are driven to mendicancy. But how is the mendicant fed? Is he fed from any other fund than that which the labour of the country supplies? No. The wants of the most destitute are supplied by those of the industrious portion of the community, who are fortunate enough, at the moment, to possess a surplus. Now, however desirable it may be to bring about an increase of the means of subsistence—and we shall see hereafter that nothing will contribute to that end so effectually as a poor law—it must be evident that the necessary feeling of security may be produced with the present means of subsistence. Mr. Revans very justly observes,—

"In order to create such a feeling, it is not necessary to increase in the slightest degree the fund now appropriated to their subsistence.

"To produce the desired feeling of security, society must ensure to every man, destitute of the means of providing it for himself, a provision at the public expense, equal to the present subsistence of the peasantry. The legislature must confer upon every man the right to demand the provision. It must confer the right; for if it is in any one's power to refuse the provision, the feeling of security will not be created."—(*Evils, &c.* p. 96.)

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But whilst the legislature is invited to confer upon the peasantry a legal right to relief, an obvious limitation of that right presents itself, as the only means of preventing the creation of a nation of idle paupers, in the place of one of industrious labourers.

"By its administration, it (the law) must provide against persons embracing it in preference to working for a subsistence, and it must provide against those who hold land or have employment, obtaining relief. The only mode of giving security to every man, without the danger of creating idleness, and without extending the provision to those who have other means, is by administering it in asylums."

Without the salutary restraint of the asylum, or workhouse, as it is improperly called in this country, our own experience of the working of the English poor laws tells us that industry would be almost destroyed, and all sources of income would in process of time be threatened with annihilation. With such restraint, however, it would be only where the prospect of destitution approached painfully near, that the house of refuge would be resorted to.

We may easily conceive the possibility of a system of relief producing all its effects, without being resorted to in any one case. If every man feel that he has a legal right to shelter and relief, and that such shelter and relief are actually within his reach at a moment's warning, his whole conduct will be influenced by that feeling; and all that he is now driven to do by the fear of destitution, he will of course do no longer.

With the cessation of the great motive to acquire land, the dread of ejectment would cease also. A subsistence once secured to the peasant, and ejectment would no longer be regarded as an evil; hence the crime which is immediately generated by ejectment, or the threat of ejectment, as explained in a former part of this article, would rapidly subside, and, in a very short time, would altogether vanish.

On the immediate effect of a legal provision in diminishing, and subsequently extinguishing, agragrian crime, Mr. Revans remarks:

"To conceive the effect, it is necessary to compare the condition of the ejected tenant now, and his condition with such an asylum ready to receive him. At present he knows not whither to turn—to the north, the south, the east, or the west. He is without the means to purchase food and shelter for his wife and helpless family, and as he has no immediate prospect of obtaining employment, or another farm, they must wander about the country in cold and in misery,

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begging food and shelter. Would he not be more than human if he could witness the misery resulting in the sickness, and perhaps in the death, of those he loves, and not be urged by exasperation to crimes of violence? But his feelings would be very different if he knew that, within a few miles of him, in the immediate neighbourhood of his friends and kindred, there was a good house ready for the reception of his family, in which they could obtain food and clothing equal to what they had always been accustomed to, and in which they may remain till he can procure employment, or obtain another holding: that he need not seek admission into the asylum as a degraded man, but may demand it as his right: that it is a refuge intended for the unfortunate, and that every one who cannot obtain equal food, clothing, and shelter, to that which is provided in it, is considered unfortunate; and that the restrictions to which he and his family will be subjected, are only such as are necessary to prevent the idle and the dissolute from preferring the provision it affords to a life of industry.

"Three months rarely pass without two or three families in each district being ejected from their holdings. One or two of them entering the establishments, and reporting upon their comfort and the kindness of the treatment in them, would be sufficient to give a feeling of security to the peasantry, that their situation will not be much more painful than at present, if they are dispossessed of their land. *When this feeling has been generated, the peasantry will no longer deem ejectment from land deserving of the cruelties which they now inflict upon those who cause their ejectment.*"—(Page 105.)

The effect of a public provision for the destitute, upon the system of nominal rents, would be a gradual process of extinction, and the substitution of an actual rent.

The debt of the tenant to his landlord—the *hanging gale*, as it is called—is felt by the peasant to be the incubus which weighs down his spirit, paralyses his exertions, keeps him in a hopeless state of poverty and privation, and utterly destroys his independence. Hence he will not be slow to emancipate himself from this great and pressing evil. On the expiration of his contract, he would cease to bid more than he could pay. He would estimate with accuracy, what portion of the produce of the soil he must first retain for the subsistence of himself and his family, and the remainder he would freely contract to pay the landlord as rent. No one would contract to pay more than this surplus, because, by so doing, he would be left without an adequate subsistence; whereas by resorting to the house of refuge a full subsistence could be secured.

Mr. Revans explains in the clearest manner the way in which this change would be brought about. He says:

"But few of those who hold from five to twelve acres of land will throw up their holdings to enter an asylum, even though the food, clothing, and lodging, given in it may be greatly superior to their own. The cottier tenants will not generally give up their engagements; some perhaps, those who have only cabins

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from their employers, may, as they are scarcely in a better position than the casual labourers. The casual labourers are the class upon whom the system will first act, and through whom the rents and wages of the first and second class will be affected. This class undergo such extensive and repeated privations, that there are frequently times when their wretchedness would drive many of them to seek the shelter of a house of industry, *viz.* during sickness and in the winter, owing to the wretched state of their cabins."—(*Page* 108.)

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"After a few had been in the house of refuge, and had felt the comfort which it afforded, and had ascertained that they could return to it with their families whenever work should fail to give them an equal subsistence, the whole class would become less solicitous to obtain land. It would cease to be of vital importance. The present eagerness of the casual labourer to supplant the small tenant and the cottier, would abate, as those classes would no longer possess greater security for a subsistence than themselves. When, therefore, a small farm became distenanted, or a cottier dismissed or dead, the casual labourers would not, as now, make rash promises to obtain the land, but pause to consider the advantage. It would be useless for them to change their situation but for a better; and unless it was evident to them that a small farm would give greater comfort than they already possessed, they would abstain from bidding. Thus, whilst the small tenantry would be less anxious to retain their farms, the labourers would be rather more careless about obtaining them; nominal rents would therefore be quickly at an end. It is the constant pressure of the casual labourers which causes the excessive bidding for land."—(*Page* 109.)

In stating, however (p. 108), that the cessation of nominal rents would not to any great extent be produced *directly*, we apprehend Mr. Revans has underrated the force of the new motives to which the feeling of security must necessarily give birth, or rather the old motives which that feeling must destroy. Mr. Revans has himself shown that the peasant, even of the first and second class mentioned in the above extract, is fully alive to the evils which an improvident, but under the circumstances unavoidable, contract for land subjects him to, and he would therefore, at the period at which such contracts are usually determined, abstain from bidding an excessive rent.

The landlord would have every motive to limit his expectation and his demand to the amount which the tenant would be capable of paying. Knowing that a subsistence was secured to the peasant, independent of any possession of the soil, the terms of the landlord's demand would be based on a calculation of the surplus which would remain after the tenant had taken a subsistence. The landlord would cease to consider what the tenant had been accustomed to promise, and would regard only what he had been accustomed to pay. He would

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receive precisely the surplus he now receives as rent, but he would receive it at a much smaller cost of collection. The landlord would appear much poorer on paper, but, in point of fact, he would be richer, by the saving in the cost of collecting just alluded to.

But the landlord's ultimate interest in the substitution of an actual for a nominal rent, is infinitely greater than his immediate interest therein. Under the present system, the tenant has no motive to accumulate, or rather he has the strongest motive not to accumulate; still among the small farmers, and even among the cottier tenants, saving does occasionally take place; but what is saved is hoarded in secret. This secrecy would no longer be necessary—the motive to save would be actively excited, and accumulation would commence. The capital thus accumulated would be laid out in the improvement of the land; and as this would be general in its operation, the increased productiveness of the soil would speedily render the rents which the tenant had agreed to pay, comparatively light. There is no doubt but that the present rental of Ireland is exceedingly small, compared with what might easily be afforded under a better system. Mr. Revans is of opinion (p. 116) that even the present nominal rents will one day be realized; but without looking so far forward, there cannot be a doubt but that a wholesome competition would very speedily raise the actual rent, and thereby place the landowners generally in a much better position than they at present occupy. In addition to the advantage which the landlord would reap from the accumulation of Irish capital, we must not forget that English capital, and what is not less important, English skill and habits of economy, will be introduced into Ireland, the moment tranquillity shall be guaranteed by a well ordered system of relief. The masses of British capital which are now seeking investment in foreign securities, justify the inference that Ireland will become a chosen field for investment immediately on the restoration of tranquillity. Relative to the increased productiveness of land under the skilful management of an English farmer, the Reverend Charles Clarke, an experienced agriculturalist, says:—

"I do not consider the rents high, if reference be had to the capabilities of the land; but much too high, if the agricultural knowledge and capital of the farmers

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be taken into the account. I saw many farms of good land, which I should have had no objection to have had at the rent charged for them, but they were in that condition, that they would have required a large outlay of capital, on account of their being so much exhausted. I am more particularly acquainted with the rent of land in the counties of Norfolk and Suffolk than in any other part of England, and I think the rents are certainly not higher in Connaught than here."

Mr. W. J. Gisborne, an assistant commissioner, and also an agriculturalist, confirms the Rev. Mr. Clarke's statement.

"In the province of Munster, the general quality of land appeared to me to be superior to that of England; and putting the quality out of the question, the rents paid by the Irish tenantry were certainly below the average rents in England."

The system recommended has this valuable property, that inasmuch as it consists of two opposite principles, the one made up of the matter of good, and the other of the matter of evil, it can, by varying the force of either principle, be adapted to all circumstances. If, for instance, it were found that the rules of relief at first established, were inoperative in preventing agrarian crime it would of course be necessary to relax the rules or improve the diet, or both, until that "golden mean" should be attained by which all motive to crime would be destroyed. If, on the other hand, the demand for relief became excessive, it might be safely assumed as an indication that the rules were too lax. An important statement is made by Mr. Revans, showing the perfect adequacy of restraint as a means of preventing excessive applications for relief. There are some good reasons for suspecting that the English poor law commissioners have not duly appreciated the value of the principle of restraint, considered in the light of a force acting against the inducements of diet and other comforts. The extract which we are about to offer to the reader's attentive consideration, shows that it is not necessary to limit the quantity of food and abridge the enjoyments of the pauper, within the walls of the houses of refuge, in order to prevent the labouring population from quitting their employment. To that end, restraint, if skilfully managed, is a perfectly adequate instrument.

"I lately inspected (says Mr. Revans), with the assistant commissioner for that district, several workhouses in Nottinghamshire; with the diet in one of them I was particularly struck.

"Upon questioning the master of the workhouse, we found that the breakfast consisted of bread and milk. The dinner, of meat and vegetables three or four days in the week; on the other days, of soup and vegetables, and plum dumplings.

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The supper, of bread and milk, and bread and cheese and beer on alternate nights. The quantity is unlimited, and every inmate is allowed as much as he chooses to eat. For the quality of the food I can vouch, as I carefully inspected the provisions. The bread was made of the best wheaten flour, and better could not be found at the table of any person in the county. The milk was excellent; the cheese was as good as Derbyshire can produce, and such as a magistrate of the neighbourhood, who was present, stated to be commonly used by the gentry. The meat was of prime quality; and to the old people, mixed tea at eight shillings the pound was given. In fine, I believe that few persons whose incomes do not exceed 500*l.* a-year, fare better than the inmates of that workhouse, with the exception of having meat every day for dinner. The master informed us that feather beds only are used in that house. Although superfluous, my friend asked the master, if he thought the labourers earning their subsistence in the district fared equally well with the inmates of his house. He answered, certainly not, their fare is many degrees worse. I then asked him whether able-bodied persons often applied for admission. He said, very rarely. I asked him if he imposed hard work. He told me that he had no means of setting the people to work. Besides the good fare, and the freedom from work, the sexes are not separated by day or by night. Smoking is allowed, and I have no doubt that even spirits can be procured, and without very great difficulty. I asked the master how he accounted for the able-bodied labourers not applying for admission to such a comfortable asylum. 'Oh! Sir,' said he, 'I keep the 'key of the door, and I very seldom allow the able-bodied people to go out, 'which they don't like. So, if they can possibly live out, they won't come in.' He told us that this house belonged to fifteen parishes, that he had rarely known it to be full, and that it would only hold eighty people."—(*Revans*, p. 124-5.)

The two principles here laid down may be combined in endless proportions, so as to produce a given result. Let us endeavour to explain this by figures. Let us assume that the average condition of the independent labourer is represented by the figure 10. If his condition in the asylum be made such as to be estimated by himself at something more desirable than his "unhoused free condition," he will of course resort to the legal provision. The object then is, to keep the real condition of the pauper at, or rather below, 10—let us say, for example, at 9. This may be done wholly by the use of restraint; call the restraint 4, and food and comforts may be raised to 13, without increasing the number of applicants for relief. Raise restraint to 6, and food and comfort may be raised to 15, without danger. The figure which may be made to represent a lot of restraint, must be taken at the labourer's own estimate. But in what manner is the labourer's own estimate to be arrived at? We answer, by experience of the effects of the system on the labourer's conduct. Thus, suppose the wages of a parish to be 10*s.* a week, and the food

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and comforts in the house of refuge to be such as would require 15*s*. to purchase, and yet no applications took place, it might fairly be assumed that the labourer's estimate of the restraint was at or over 5. A lot of restraint, which an English rural labourer of one of our southern counties would estimate at 5, would, by an independent Yorkshireman, or an Irishman, be estimated at perhaps 10 or more; whilst, by a North American Indian the estimate would be carried beyond the point of endurance.

What a vast field does not this open to benevolence? By rendering an increase of comforts within the houses of refuge perfectly safe, relief is made the means of improving the habits, and, pro tanto, raising the condition, of the people to a degree hitherto without parallel in thickly-peopled countries.

One objection often urged against systems of relief generally is, that they only tend to increase population, and therefore to augment the evil they pretend to mitigate or remove. This objection, however, is utterly futile. We have seen, in the case of Ireland, that in the most abject state of destitution the motives to contract early marriages are exceedingly strong. Where, however, the peasant is a degree removed from hopeless destitution, the motive is weakened and some degree of prudence is exercised. Hence marriage and population would be checked, rather than promoted, by the increased stake in existence which the peasantry would have under a well-ordered system of relief. The state of all countries proves the force of these observations. A prudent abstinence from marriage prevails chiefly among those who are removed from the fear of want, whilst poverty and recklessness invariably go hand in hand.

The expediency of a poor-law for Ireland being thus placed beyond a doubt, there remains only to develope the mode or form in which it shall be carried into effect, and the means of effecting it.

In the mode in which the houses of refuge should be established, the first requisite is, that they be within reach of the destitute. To effect this object, the country should be divided into districts of convenient extent, so that each asylum should form, as it were, the centre of an arrondissement, the radii of which should not be greater than the distance which an indigent

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family can traverse with facility in a day. The Irish peasantry are in the habit of transporting themselves from place to place; this circumstance would justify the establishment of more extensive districts than would be warranted in this country; hence we are disposed to believe that asylums so placed that the greatest distance from any one of them did not exceed ten miles, would fulfil all the necessary conditions. But there is another limitation by which it would be necessary to be guided. The asylums should not be inconveniently large, so that in some districts it might perhaps be found that such a radius would include too dense a population. Under any circumstances districts whereof the radii extended five miles, would certainly answer every purpose. This is Mr. Revans's proposal. He recommends districts of 100 square miles; and, as Ireland contains 500 such districts, that number of asylums would be required.

The following are Mr. Revans's reasons for recommending districts of the dimensions named:—

"I do not think it will be wise to place the establishments more distant from each other than ten miles. The excuse for vagrancy will not be destroyed if they are much further apart. A person feigning great fatigue, sickness, or personal infirmity, or a woman having young children with her, will certainly obtain alms if they are more than five miles from a house of refuge; as it would be cruel to refuse relief, when those who seek it are evidently incapable of reaching an asylum. Moreover, the important effects to be produced upon crime, rents, and wages, might be endangered if the establishments were much more distant. The peasantry would not become accustomed to them, and in going to them they would be leaving the neighbourhood of their friends. These risks would not be compensated by any saving which could possibly arise from the reduction in the number of the establishments. It is even probable that the increased size of the districts might more than proportionately increase the expense of providing the establishments. In many districts, buildings already exist capable of being converted into asylums for the destitute, and sufficiently large for districts of 100 square miles each; such buildings might frequently be obtained at one-fourth the cost of erecting them. A house capable of holding 200 persons would be quite sufficient for the demands of each district of 100 square miles, excepting when the district includes a town over 15,000 or 20,000 inhabitants, of which size there are not twenty towns in Ireland. Unless some extraordinary circumstance arose in a district, I do not think 200 persons would often be driven to accept the shelter of the house of refuge."—(*Revans*, p. 128–9.)

"Five hundred asylums, capable of containing 200 persons each, would enable relief to be extended to 100,000 persons. In extreme cases, able-bodied men only might be received, out-door relief being extended to their families. This would allow relief, both in-door and out-door, to be extended to 500,000 persons, in addition to the aged, and to those who were rendered incapable of labour by personal injuries, who might be relieved at their own houses without any evil resulting therefrom."—(*Revans*, p. 130.)

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From the effects which we have shown would take place in consequence of the cessation of all dread of destitution, it does not appear very likely that so large a number of persons would, except in very rare cases, apply for relief. Hence it appears to us that house-room for 100,000 persons would suffice, not only for the able-bodied, but for such of the families of the able-bodied also, as might occasionally apply.

The expense of carrying the proposed system into effect would be, *first*, the cost of erecting the requisite houses, and *second*, the annual cost of maintenance and management. Taking Mr. Revans's estimate of 2000*l.* as the cost of erecting each house, the total first cost would be no more than One million.

The expense of maintaining bodies of men is much less than that of maintaining an equal number individually. The wages of an independent labourer in Ireland, scarcely ever exceed, and seldom reach, 2*s.* 6*d.* a-week, and more frequently fall under 2*s.* on the average. With this sum, his family, consisting on the average of a wife and three children, is supported; so that 6*d.* per head per week is now the average cost of supporting the population. Supported in large bodies the expense would be much less, but calling it 6*d.*, or 26*s.* per annum, an annual expenditure of one million would suffice to support nearly the 800,000 persons calculated above as the extreme number; so that in all probability, not one-fourth of the above sum, and certainly not half, would be required.

Assuming then the first outlay to be 1,000,000*l.*, and the annual cost to be 500,000*l.*, the next question which arises is, how shall the funds be raised?

From what we have said of the great benefits which the landowners of Ireland would derive from the introduction of a Poor Law into that country, it must be quite clear to our readers that the outlay would be a most profitable one to the landlords, could they be induced to undertake it. At the present moment, the support of the whole population may be said to fall upon them. The tenantry, taken as a whole, engage to give more than the whole produce as rent. This contract, of course, they cannot fulfil, but they can and do give the whole produce which remains, after deducting their own subsistence. Those of the population who resort to mendicancy, are of course

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fed out of the subsistence fund deducted out of the whole produce, previous to the payment of rent, by those who have the first control over it—namely, the tenantry. Now all that the system here recommended proposes to do is, to take the distribution into its own hands, for the sake of producing certain benefits, of which the class of landowners would receive not an inconsiderable share. If then the landowners could be induced to provide the necessary funds, the advance would, of course, be restored to them in the shape of increased rent, independent of all the advantages which we have shown would be derived from the system.

Mr. Revans seems to think "that it will be impossible, "in the present state of Ireland, to raise the requisite sum "for the support of the poor,"—(p. 139,) and he therefore recommends that the funds be furnished out of the general funds of the empire.

"Ireland, in her present state," says Mr. Revans, "does not cost Great Britain less than a million and a half annually, for military and police. It would be well to try whether 500,000*l.* a-year employed to prevent the fear of destitution, which is the ground of inquietude, would not be more effective than 1,500,000*l.* expended to coerce those who will not starve quietly."

So great is the magnitude of the present evils, and so perfectly adequate to remove them does a well-ordered poor law appear to us to be, that we are perfectly willing the expense of the trial should be borne by this country. Three years, at the furthest, would be sufficient to place success beyond a doubt, at which time the Irish landlords would, unquestionably, be willing to take the expense upon themselves, by means of a rate. With this view, we are of opinion that the initiatory measure should only extend to three years, so that on renewal the changes necessary to transfer the expense to the country chiefly benefited might be made. The landowners, having had experience of a period of tranquillity, would scarcely be inclined to return to the old horrors.

Here we deem the case in favour of a poor law for Ireland fully, we may say irrefragably, made out; but as the (third) report of the commissioners for the inquiry into the condition of the poorer classes in Ireland, is decidedly opposed to the introduction of a poor law into that country, it may be deemed necessary that we should notice some of their arguments.

The commissioners assume (report, page 5), that as 585,000 persons are out of work during thirty weeks in the year,

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having 1,800,000 dependent on them for subsistence, it would be necessary to relieve no less than 2,385,000 persons. Now this is precisely the sort of objection that was urged against the English Poor Law Amendment Act. In the southern counties the custom of paying wages out of the rates brought nearly the whole population on the parish books, hence it was inferred that it would be necessary to provide workhouses for all. The effect however of providing workhouses for a few was to re-convert relief into wages, and the mass of the population ceased to be paupers.

As this fallacy has lately been adopted from the commissioners' report by Mr. O'Connell, in his speeches before the National Association, it may be necessary to place its exposure in a clearer light.

There are, it is alleged, 2,300,000 destitute persons in Ireland. It is proposed to confer upon them the right to relief, and give that relief in houses of refuge only; therefore, it is illogically argued, it will be necessary to build houses for 2,300,000. But, inasmuch as this would swallow up the whole rental of Ireland, it is wholly impracticable. This conclusion, to say nothing of the falseness of the premises, we altogether deny, and we think we can demonstrate its fallaciousness to the satisfaction of every honest mind.

Let us suppose a parish containing 1000 able-bodied labourers, with their families, all fully employed at remunerating wages. Let us next suppose that 100 additional labourers, with their families, are suddenly introduced,—what would be the result? The demand for labourers would remain unchanged, whilst there would be an increased number of competitors for employment. In short, there would be 1100 hungry mouths to devour that which was only just sufficient for 1000, and the condition of the whole population would be deteriorated. In a word, *all* would be distressed.

There is every reason to believe, that a very small increase in the proportion which the competitors for employment bear to the demand for labour, is sufficient to cause a very material depreciation in the condition of the whole industrious population. This is forcibly stated by Mr. Revans, in the following passage:—

"The capitalist can generally lower wages in any part of Europe to a mere subsistence. He can, at most times, delay his work, whether in agriculture or

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in manufactures, a week or a fortnight without great inconvenience, but the labourer's stomach cannot be kept without food two days. It is very common to talk of wages being regulated by the proportion which the supply of labour bears to the demand for it. Labour is treated as a marketable commodity, and as if the workman was as able to withhold his labour, as the employer is to delay his work. The fact is, however, that the labourer and the employer are in the same position towards each other, when making a bargain for wages, as would be two dealers, the one holding a cargo of corn and wanting a cargo of oranges, and the other holding a cargo of oranges and wanting a cargo of corn. The oranges will be rotten in a fortnight, the corn will keep two or three years. The only times at which the workman is on a par with his employer in making a bargain for wages, is at harvest time, with the farmers, and during an extraordinary period of demand, with the manufacturers. Such periods occur with the manufacturers once in three or four years. On these occasions time becomes equally important to both the employer and the workman. The harvest will be injured if it is not collected within a few days, and the great profits offered will be lost to the manufacturer if his goods be later in the market than those of his neighbours. The favourable point to the workmen at these periods is, that delay is impossible. With such exceptions, in almost all the endeavours of the farmers, master weavers, and spinners, in England, to reduce the wages of the workmen, they have been successful."—(p. 117-118.)

To return now to the case we have supposed. The commissioners and Mr. O'Connell would say:—"You cannot relieve the parish containing 1100 distressed persons, because "you cannot afford to build an asylum-room for that number, "—it would swallow up the whole rental of the parish." The friends of a poor law for Ireland say,—"Build an "asylum for 100, and remove that number from the labour "market. Withdraw 100 competitors for employment,—"restore thereby the due balance between employment and "labour, and you restore at the same time the condition of the "whole population*." Let the reader now judge between us.

The same principle applies to the 2,300,000 distressed persons in Ireland. The removal of a small number would ensure the comfort of the whole, and this point once attained, the beneficial effects which we have shown, must of necessity flow from the change, would speedily begin to manifest themselves. Mr. Revans's plan, be it observed, provides for the relief of one-third of the above number, and for the removal from the labour market of no less than one-fifth of the able-bodied,—a number which we conceive to be more than sufficient to produce the desired effect. However, be the

* In point of fact there would be (adding the families) no less than 5500 persons in distress relieved by the abstraction of 100 able-bodied labourers; but to be on the safe side, we have confined our reasoning to the able-bodied.

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proportion what it may—be it one-tenth, or one-fifth, or even one-half (which is impossible)—still the fallacy of the statement adopted by Mr. O'Connell from the commissioners' (third) report, must be abundantly obvious.

The commissioners assume that those who are "out of "work" are in distress. They who cultivate their own holdings must be perpetually out of work, without being necessarily in distress. In Canada, which is half the year under snow, the population are more than thirty weeks out of farm work, but there is no distress in Canada. We cannot conceive the commissioners could be ignorant of this distinction.

But supposing it were necessary, in defiance of what we have shown in a former part of this article, to relieve the whole 2,385,000 persons during thirty weeks in the year, the commissioners have assuredly made a gross mistake in carrying out the calculation. They say the expense would be "something more than 5,000,000*l.* a year." Now we have seen that 26*s.* a year would be ample to provide food at least equal to (it would provide much better than) that which the peasant now enjoys. 2,385,000 for thirty weeks are just equal to 1,376,000 for one year; and at 26*s.* each, the sum required would be 1,788,800*l.* instead of 5,000,000*l.* The wages of the whole body of labourers "appear, by their own report, p. 6," says the London and Westminster reviewer, "to amount to but 6,800,000*l.* for "the whole year, and the maintenance in the workhouse of "somewhat less than one third of the whole number for thirty "weeks would amount to more than 5,000,000*l.*"

The heap of measures recommended by the commissioners, requiring a most expensive and complicated machinery, we have not space to discuss; we shall therefore only say, in this place, that they appear to be calculated for no other purpose than to create places, and throw patronage into the hands of the ministry.

One subject yet remains to be noticed as recommended by the commissioners, or rather by eight out of eleven; for three, Messrs. Vignoles, and Naper, and Lord Killeen, dissent therefrom: we mean what is called the "voluntary" system of raising whatever funds may be necessary. The whole of Mr. Revans's exposure of the voluntary system is admirable; it extends from page 133 to 139, and will well repay a perusal. As this is certainly not the worst portion of Mr. Revans's work,

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we regret that we cannot extract the whole; we must therefore content ourselves with selecting a few of those passages which are most conclusive against this "fantastic principle."

"The grand argument of the advocates of the voluntary system is, that compulsory assessment diminishes private charity. How they arrive at this conclusion I am at a loss to conceive; I have heard the assertion, *usque ad nauseam*, but I have never heard the grounds upon which it is based. Is it based upon the absence of private charity in England? Is it based upon the boundless private charity in Ireland? Those who make the assertion must surely have forgotten that the largest compulsory assessment in the world is in England, or must have forgotten the endless number of institutions supported by voluntary contributions in this country. Have they never heard of soup kitchens, of distributions of coals, of blankets, &c. &c. &c.? if not, let them read Mr. Chadwick's "Report on the Charities in Spitalfields." They must have forgotten, too, that England's charity has not staid at home; they must have forgotten that her charity has reached the suffering Greek, the suffering Pole, and the suffering of every other nation; and that, hardened as the heart of England is by assessment, it has even felt for those whom Ireland, not hardened by assessment, was unable to relieve. Has any one forgotten the great subscription in London, some years since, when more than 100,000*l.* was subscribed for the starving population on the west coast of Ireland? One-seventh of the whole of the poor's rates of England, *viz.* of eight millions, is expended in London and its immediate neighbourhood, and yet there is scarcely a principal street in that city, in which there is not a palace dedicated to charity, and supported by voluntary contributions. I only wish that those who talk of compulsory payments destroying private charity, could witness the energetic pleading for the poor, which, as an assistant poor law commissioner, I constantly witness in those rate-payers who have not been disabused of the reports spread, relative to the objects of the new system. When the deserving poor were concerned, I never met with a man willing to curtail their comforts, though I frequently meet with those whose benevolent feelings would lead them, to give charity where it is not required or deserved, and consequently where it will do mischief."—(*Revans*, p. 135.)

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"The Scotch system is always adduced as an instance of the advantages of the voluntary over the compulsory system. Those who are so loud in their praises of the Scotch system, seem to have forgotten that the advantages are more likely in the mode of administering, than in the mode of raising, the fund. It does not appear to me, however, that any one knows much about the Scotch system; many pretend to the knowledge, but I suspect its worth. I have seen how completely the facts were at variance with the assertions made relative to England and Ireland, previously to the searching inquiries undertaken by the government; but even admitting all that is claimed for the administration in Scotland, and that the administration depends upon the mode of collection, I can only say, that the collection is to all intents and purposes a compulsory collection. The law says, if you do not give sufficient, you shall be assessed. This is much the sort of request which a civil highwayman makes when he lets you see that if civility won't do force will be applied. This voluntary system is the English system, if the English please to adopt it. The law only directs the overseer to raise by assessment whatever is required for the poor, it does not direct him to refuse voluntary contributions. If, therefore, a few foolish people in a parish choose to relieve their neighbours from their fair share of the contribution, they

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may indulge their kindly propensities without any risk of interference from the law. Our northern neighbours, who are not the least shrewd people of the three kingdoms, are beginning to discover that their voluntary system is excellent for relieving the uncharitable at the expense of the charitable—a mere illustration of working the willing horse to death; and they are, consequently, very generally adopting assessment."

We have now done with the question for the present. We have, we conceive, gone quite far enough to show that Ireland must have a poor law, and that immediately. It is admitted that "a cry" has been raised in Ireland, which must be satisfied, and on this ground Mr. O'Connell has declared that he will support a measure*. For our parts we take, as will be seen, higher grounds than the mere obedience to "a cry" not approved of. We will never recommend, neither will we in any way support, that which we deem objectionable, and it comes with an ill grace from one who acknowledges such a motive, to denounce the friends of a poor law for Ireland as declaimers and demagogues. If we were called upon to define the word demagogue, we should say it is a term used to designate one who is ever ready to obey a popular "cry," though convinced that it is in favour of a mischievous or useless measure.

The British public are not much less interested in the question than the Irish, and it will be disgraceful to the government, if another session be permitted to pass without an enactment on the subject. The people of this country have been accused of apathy towards Ireland; let the number of petitions in favour of a poor law for Ireland, show that this accusation is unmerited. The proposals of the commissioners touching emigration, improvements, employment, &c., are so many absurdities, which would only lead to interminable jobbing; in short, no one can give any attention to the state of Ireland, without being convinced that Mr. Revans's admirable book ought to have been "the Report."

* Mr. O'Connell appears, by his recent speeches, to have changed his mind, since the above was in type.

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Article II.

Oesterreich im Jahre 1835, *und die Zeichen der Zeit in Teutschland.* Von Dr. A. J. Gross-Hoffinger. Stuttgart and Leipsig: 1836.

The author of this little volume had acquired some reputation in Germany, before the appearance of his present publication, as a writer of that school in politics and literature which is commonly known under the title of "La "Jeune Allemagne." His previous publications were distinguished, we understand, for the same tawdry style and inconsistent rhapsodies which, in the more powerful hands of a Heine and a Gutzkow, have done such serious injury to the taste, the morals, and we may add, to the social and political hopes of Germany. Had he, however, remained in the subordinate position which his talents naturally assigned to him in the ranks of those enthusiasts, he would never have attracted our attention; and in adverting to the false and immoral writings of his associates (a task which we propose to attempt at some future time), we should have left him to lag unheeded in the rear of his more dangerous prototypes. But through a series of events, which we are unable fully to explain, Dr. Gross-Hoffinger has earned, by an apostacy more sudden and complete than any upon record even amongst "La Jeune Allemagne," that distinction which a conscientious maintenance of the principles he once avowed would never have conferred upon him. Fate and the consequences of a bad digestion brought him back, after an absence of many years spent in the more liberal countries of Germany, to the land in which he had been born and bred,—to the frontiers of that Austria where the winds of popular discord never blow, and to those salubrious mineral springs of Bohemia, which worked in his case an equal change on the body and the mind of the patient. A residence of eight weeks at Carlsbad, and the potation of no less than 400 tumblers of warm water were required to restore the tone of Dr. Gross-Hoffinger's stomach, to facilitate the secretion of the bile, and to diffuse over his whole frame an enthusiasm for absolute government, and in particular for

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the men and institutions with which his native country is blessed, far exceeding in intensity his former less lucrative aspirations for the regeneration of mankind.

That a weak man should pass from one extreme of political absurdity to another, and that a vain man should court that vogue amongst his former opponents which had been refused him by his friends, is no uncommon occurrence: but the fact of our author's conversion derives some interest from the society into which he was brought by it. The drummer who deserts instead of lingering unobserved amongst the drabs and suttlers in the rear of his own army, has no sooner crossed the enemy's lines than he is politely conducted to the general's tent to furnish the information he possesses, and his real insignificance is momentarily forgotten in the importance of his treachery. In like manner Dr. Gross-Hoffinger penetrates into recesses closed alike to the most daring enemy and the most faithful adherent; the simple *studiosus*, the bashful *littérateur*, is carried off in a whirlwind of courtly dignities; he speaks of ministers and officers of state with the assurance of a confidant; he is introduced into the privacy of the Imperial widow, and witnesses the display of her grief in the silent apartments of Schönbrun; he jostles ambassadors and princes in Metternich's ante-room, till the door are thrown open, and he converses face to face with that august and inacessible personage, on the affairs of Germany and the designs of the German liberals; above all, he publishes a full account of these remarkable passages in his life within a few months of their occurrence, and his book is received with favour at Vienna, where the principles of government and the habits of the governing powers are very rarely allowed to transpire under any form at all.

These facts speak for themselves, and it is sufficiently evident that Prince Metternich, having caught a specimen of the "Jeune Allemagne" alive, has placed him (after the manner of the Lincolnshire fowlers) at the mouth of the decoy, to draw the attention of his former companions by his piping. In plain language, Dr. Gross-Hoffinger has undertaken the bold task of defending and illustrating the peculiarities of the Austrian government, in the modern style which he had before employed with indifferent success

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for other purposes: and he continues to celebrate the progress of civilisation, and the inestimable privilege of freedom of conscience, under the protecting care of that "paternal" administration whose livery he wears. This is not the only instance which we have had occasion to point out of the condescension of absolute governments, in selecting a champion to enter the arena of literature with the colours of despotism on his shield. Indeed, in the absence of all data on the action of the most secret administration in Europe, we are not insensible to the advantages which may be derived from these *ex-parte* statements; and the exaggerating sycophancy of the proselyte frequently betrays more of the radical vices of the system he defends, than the scrutiny of its keenest adversaries could detect from a distance. M. St. Marc Girardin observes with some truth, in his flippant notes upon Germany, that Austria carries "her repugnance to publicity, to the "extent of not choosing to be praised. Praise and blame "are equally offensive to her, and in her anxiety to avoid "all discussion, she religiously preserves the most entire "silence, with fanatical austerity." Such is her jealousy of any kind of literary disclosure, that besides the absolute restraint of the censorship within the country, an Austrian subject who is detected in causing any unauthorized work whatsoever to be printed out of the empire, is, *ipso facto*, liable to a fine of one ducat per page so printed for the first offence, and to a still heavier penalty for a second. Hence arises the excessive difficulty of forming a just opinion of her present condition and resources. Even the official returns, which have been compiled of late years for the use of the great officers of state, are kept under a triple seal of secrecy; the few copies which are taken of them are not printed, but lithographed; and the persons to whom they are confided, are strictly forbidden even to allude to the circumstance of their existence. The book before us certainly contains no leaves stolen from these mysterious volumes, and no spontaneous revelations of a government almost as unknown to us as that of the Celestial Empire: but little as it contributes to lift the veil, that little is a rare innovation of which we are very ready to avail ourselves.

The eight weeks which Dr. Gross-Hoffinger spent in

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Carlsbad, were enlivened by the usual incidents of a fashionable watering-place,—the tragic burlesques, and the burlesque tragedies of a wretched theatre,—the ailments and quarrels of hypochondriacs and dyspeptics,—the august ceremony of christening a rock in the neighbourhood, "Peterstein" or "Russlandsfelsen," after Peter the Great,—and above all, by a conversation of ten minutes with Count Chotek, the Governor or Lord-Lieutenant of Bohemia. Our author was not likely to meet, in the whole extent of the Austrian dominions, a man more worthy of the eulogistic strains in which he habitually indulges. Both in the Tyrol and in Bohemia, his native country, Count Chotek has commanded the esteem of the people by his activity and zeal in promoting the material prosperity of the land, and by his good intentions for the improvement of the moral and intellectual condition of the people. Dr. Gross-Hoffinger, however, goes the length of making a Napoleon of him with a stroke of the pen, and exclaims in the glow of admiration:—

"What a blessing is such a man to the people compared with the ponderous institution of a numerous popular representation, where one member stands in the way of another, and each gives only that part of his time and energy to the common good, which he can most easily dispense with! How rapid under such a government is the action of laws, of measures of general control, of improvement, and of redress! With what celerity are patriotic designs put into execution! Chotek is the true guardian-angel of the national industry and prosperity of Bohemia; under his auspices, patriotic societies are formed for the encouragement of manufactures, for the amelioration of agriculture, and other objects of public utility; under his protection, the half-forgotten language of the Czechians is revived in its old and original purity, whilst art and science derive a fresh impulse from historical and topographical researches in the country."—(p. 41.)

If our author had chanced to be acquainted with a country in which men are educated to perform the constitutional duties of citizens, he would scarcely have written the first part of this nonsensical paragraph; and if he had enjoyed a little more of the confidence of Count Chotek than he could have acquired in a ten minutes interview, we are persuaded that that distinguished functionary would have corrected the misconception which he delivers with sententious gravity in the second. He might have learned—and from no one better than from Count Chotek—that in Austria the utmost promptitude and zeal cannot hurry the administration into a rapid decision; that the ability and activity of a governor at Prague only

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serve to awaken the mistrust of the government at Vienna; and that no dignity, however great, and no character, however pure, can relieve a servant of that administration from the most constant suspicion and the most humiliating control.

During his short sojourn in Prague, the Doctor enlarges on the extraordinarily rapid increase of the population of Bohemia; on the great undertakings which have been forwarded by the nobles for the public good, by the irrigation of the country*, the opening of excellent roads, and the employment of that industrious people in every kind of manufacture. He speaks of Franz Palacky, the historian of Bohemia†, and contrasts the judicious and reflecting patriotism of that excellent author and his learned friends, with the indiscriminating rhodomontades of the soi-disant patriots to whom he himself once belonged.

"The commerce of the country increases daily; rail-roads are in preparation to facilitate the transport of goods; 368 (German) miles of excellent high roads intersect the territory; and Bohemia is perpetually acquiring more and more *importance in the monarchy, in* GERMANY. May the noble Bohemians, who deserve so well of their country by the promotion of all that makes a nation rich and strong, may they never misconceive the position in which Bohemia now stands, and never allow themselves to be *carried away by the unworthy example of another province,* [Hungary is evidently alluded to], *to repress an element to which they are indebted for* ALL *they have—namely, the German element.* May they never attempt to restore their former condition, wholly unsuited to our times, together with their former language, to which their researches are directed; and may they not go too far in their efforts to revive their nationality. True nationality does not consist in the possession of an independent language; and it is inconsistent with the wants of our age to seek to renew the Babylonian confusion of tongues, by bringing to life *old languages which are half-forgotten (!)* What after all do the Bohemians lose in their language? They may boast of its beauty and harmony, and of their great poets with strange names, but who knows any thing of them in Germany—nay, even in Bohemia? Would not their talent be more generally recognised, and their influence be far greater, if they had written in German?

* Prince Ferdinand Lobkowicz has caused a vast morass to be reclaimed since the year 1832. From 3000 to 5000 labourers were employed for two years on this great undertaking, which has restored 3031 joch of land to cultivation, and relieved a considerable population from the insalubrious exhalations of the stagnant waters.

† In the course of the present year, M. Palacky has published the first volume of the long expected history of his country, upon which he has been employed by command of the States of Bohemia. We hope shortly to devote an article to this remarkable work, which may be regarded, together with the "Starozit-"nosti slowanske" of M. P. J. Safarik (also published this year), as the most valuable contribution of modern times to the history of the Sclavonian race.

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" Moreover, what end have these patriots in view whilst they are striving after a nationality which is irrevocably lost? Surrounded as they are by Germans, mixed up with Germans, depending upon Germans by every kind of tie, and living *under a German government*, this nationality can bring forth no good fruits. It is the inevitable effect of time that national existences are annihilated. All resistance to what cannot be averted is fruitless, and even noxious. Bohemia, left to itself in its geographical position and its political relations, would be *nothing*; it only derives its proud importance as a part of a whole."—(p. 44.)

We need not add that this *whole* means the empire of Austria. And it is by such heartless and incoherent tirades as these, that the hangers-on of the present system affect to defend the unnatural preponderance of the few over the many, of the idle over the industrious, of the camarilla of Vienna statesmen over nations to which they are indeed aliens in blood and in language. Austria has indeed retained some show of influence in that German Confederation of which she still possesses the Presidency, but the Confederation exercises no reciprocal influence upon the Austrian states, which are cut off from it by their race, by their laws, by the prohibition of commercial and even literary intercourse. Composed as Austria is of a mosaic-work of powerful nations pressed around so weak a nucleus—with so many different elements beneath her, any one of which would shake off her yoke single-handed, if she were deprived of the succour she derives from the rest—the sole secret of her policy and her dominion lies in her unceasing hostility to all the national feelings of her various provinces, and in the skill with which she represses the agitation of each country by a foreign weight. No doubt Bohemia acquires more and more importance in the monarchy; no doubt her manufactures are the most perfect in the Austrian states, her soldiers the most faithful and brave in the Austrian army, her nobles the most enlightened, her contributions to the fisc the most regular, and in proportion the most considerable. But there is no single point in her past history or in her present condition which can warrant the assumption, that she ever owed her former or her present prosperity (rare and partial as that prosperity has been), to the German element, or to a German government. All she owes to Austria are certain intervals of repose, during which she has been less harassed, though scarcely less oppressed; her innate energies have done the rest.

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In the fourteenth century, and again in the sixteenth, the natives of Bohemia, being then in a condition to keep their German neighbours at a distance, were foremost in the march of improvement—the first martyrs of religious liberty, the boldest defenders of their free civil institutions—and they formed one of the most prosperous and civilized communities in Europe. After the persecutions they underwent from the House of Austria in the seventeenth century, the population was reduced in less than one hundred years from more than three millions to 770,000, and the inhabitants were crushed to the very earth. Yet such is the tenacity and vigour of their national character, that no sooner were they relieved from a portion of the laws which oppressed them, by the wiser policy of Joseph II., than they began to display fresh signs of vitality, after a slumber of one hundred and fifty years, and to re-assume their place in the foremost rank of the Austrian states. It is not by the tender care of a German government, but *in spite* of the jealousy and persecution of that government, that Bohemia is what she is. In spite of the petty intrigues and open hostility of influential personages at the Court of Vienna, the Bohemian nobles, the Kolowrats, the Choteks, and the Lobkowiczs, have hitherto been able to loosen in some degree the bonds of their unhappy country. And now that she has made some progress towards a more prosperous condition, she is reproached for retaining the consciousness of her national identity; her aspirations after national institutions, nay, even the cultivation of her native tongue, are urged against her as a crime!

If indeed, the friends of Bohemia were intent upon bringing to life a half-forgotten language, and making an obsolete tongue the instrument of the improvement of their countrymen, we might smile at their attempt, or reserve a qualified approbation for their antiquarian researches. But this half-forgotten language happens to be the living tongue of three out of the four millions which compose the actual population. The Bohemian is the organ of the daily intercourse between man and man, the depositary of their traditions, of their way of thinking, of their customs; the language of their hearths and their boards: the German is the official language of the authorities, of the clergy, and of the schools, though not

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understood by the mass of the people in the interior of the country. It is because the cultivation of the language of the people is the only means by which that people can be enlightened and improved, that the exertions of the true friends of the country are mainly directed to that one point. The letter of the law does indeed provide that the public officers, the priesthood, and the school-masters, should be at least acquainted with the tongue of the people whom they are to govern and instruct; but the enactment is constantly and designedly evaded. Two memorials have been presented to the government in the course of the last year, representing the urgent necessity of the extension of Bohemian schools, if schools are to be of any use at all; but these applications were met by the most disgraceful subterfuges.

The Austrian states undoubtedly owe much to the reforms of Joseph II.; and the re-action which has been going on uninterruptedly during the reign of his successor, has not been able to erase all the seeds of future prosperity which were sown by that philosophic prince. On one point alone his policy has been rigorously pursued; but that point is the one most fatally opposed to the liberal spirit of his concessions, and to the future improvement of his provinces. Joseph had determined to reduce the varied administration of his heterogeneous kingdoms to one centralised scheme, and to adopt one official language for the whole of his dominions. For some time the claims of the Sclavonian populations, which preponderated so largely in the empire even at that time, seemed to be attended to; but the advice of German counsellors and the old associations of the German empire prevailed, and the language of a small minority (scarcely exceeding an eighth) of the population was introduced and strictly enforced*.

If these remarks of our author applied exclusively to Bohemia, we might have contented ourselves with simply pointing

* As a curious contrast to this measure of Joseph II., we are tempted to quote the substance of a Decree of the States of Bohemia, promulgated in 1615. It ran thus: "From this time forward, and for ever, no foreigner who is unacquainted with the Bohemian tongue, and unable to express himself properly in it, shall be received as an inhabitant of the country, or as a burgher of any town; the family of such a foreigner can only be naturalized in the third generation. In all churches and schools where the Bohemian tongue is in use, that praiseworthy custom shall be persevered in; but wherever a German

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out their absurdity. But the spirit which dictated them is a fundamental principle of the system which prevails throughout the whole empire. On every side the increased prosperity and reflection of the inhabitants, fostered by the security of a long peace, has given birth to a more enlightened sense of the wants of their countries and to a warmer feeling of patriotism. To every part of the Austrian dominions the same Medusa-head is presented, the same violent hatred of national feeling is displayed. The system of the government is, to keep all the provinces in *low condition*, that they may the more easily be ruled. "*Il faut ôter tout*," says the maxim of the despotic powers, "*afin de donner quelque chose*." Money and troops are drawn by an excessive taxation and conscription from every province; the wealthier nobles of every province are attracted by the pleasures and corruption of the court, to live the life of absentees in Vienna; and when the energies of these dependent kingdoms are roused to shake off that depression, which it is the main object of the cabinet to render perpetual, we are told "that their nationality can bring forth "no good fruits. It is the inevitable effect of time, that "national existencies should be annihilated. All resistance "to what cannot be averted is fruitless, and even noxious."

This is the language of the stranger in all ages and in all countries, to those who groan under his sceptre, after having seen the privileges and the blessings of their independence swallowed up in the vortex of a prodigious monarchy, where every thing is engorged and forgotten. It was the language of Spain to Flanders, of the Turks to the Greeks, of England

"preacher or schoolmaster is at present established, a Bohemian shall be ap-
"pointed on the death of the present incumbent. And whereas it has been found
"that certain persons, as well of high as of low degree, are wont to converse not
"in the Bohemian, but in a foreign language, which implies contempt of their
"mother tongue, and is disgraceful to the whole nation, these persons are re-
"quired (if they know Bohemian, and nevertheless persist in their custom) to
"quit the country within half a year. Moreover, as certain inhabitants of the
"city of Prague have formed a community amongst themselves, which they
"term a German community, and as none but Bohemian communities have
"ever been known to exist in this kingdom, the persons who affect to belong to
"this German community or society shall suffer the same punishment, if they
"are so rash as to persist in their design." These articles and ordinances were confirmed and approved by the Emperor Matthias, as King of Bohemia.—(*Landtagsschluss vom Jahre*, 1615.)

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to Ireland; it is still that of Russia to Poland, of the Anglo-Americans to the Indians of the West; and it will be repeated as often as junctions—misnamed unions—are effected by force and maintained by oppression, instead of being founded upon justice and those mutual advantages which can alone compensate for the loss of national *political* independence, by ensuring that *social* independence which consists in freedom to worship God and to improve man.

In Bohemia there certainly exists no intention of dissolving a tie (even were it possible), which has subsisted by the crimes and the custom of nearly three hundred years. The province has reason to be discontented, but it is not disaffected. It has not, like Hungary, retained enough of its former constitution to be agitated by political controversy, and by the hope of political independence. But by so much the easier is it for the Austrian government to grant those concessions to the language, customs, and intellectual as well as material wants of the country, which constitute what we have styled the social independence of a nation: these being refused, a spirit of political restlessness is awakened, spreading as widely as the wants and the abuses which gave it birth. Should that spirit gain ground for ten years more, or perhaps for a shorter space, as rapidly as it has done in the last five years, those indefinable sympathies and affinities which characterise a *race* of men will be more and more excited; the old Sclavonian animosity to the German element will break out with fresh violence; and Austria, attacked at once by her Magyar, her Sclavonian, and her Italian populations, may find herself on the brink of dissolution, and may discover, too late, that she has blindly relied upon her German resources, which are ludicrously disproportioned to the strength and the ability of her internal foes.

It is time, however, that we should accompany our author to Vienna, where the splendour of the imperial city and the smiles of those in power achieved the easy conquest of Dr. Gross-Hoffinger's principles. The chapters of his book which are written with an evident political object, are interspersed with effusions of self-satisfaction and soliloquies on the wondrous work of fate as displayed in his own eventful career, which we may well spare our readers. Half a decennium, to use

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his own pompous language, had passed since our author had visited his native city; and he enlarges with mournful eloquence on the changes and ravages of these five years—measuring them, no doubt, by the large proportion they bear to the sum total of his own life, and by the fate of those ephemeral productions of his pen which had been conceived, brought to light, and forgotten in the interval.

The absurdity of these passages, however, is far surpassed by the gross and offensive panegyric on the character of the present emperor, which he has thought proper to introduce into his chapter on the court. We confess, that when we think of the real character of that unfortunate prince, placed by the circumstance of his birth in so prominent and perilous a position, we would fain forget the physical and moral debility of his person, and throwing a veil over the utter *fainéantisme* of his character, we would mingle our pity for his infirmities with a just tribute to the goodness of his heart. There is scarcely a more affecting sight in history than that of an absolute sovereign in whom the interests of so vast a realm are centered at so difficult a time, whilst he is destitute of every one of those qualities which are necessary to a man and indispensable to a ruler. But when an attempt is made to represent his inefficiency as the consequence of a retired disposition, his stolid vacancy as meekness of character, and his continuance in the blind policy of Austria as a pious submission to his father's will, the coarse jests of Vienna would suffice, had we no other authority, to undeceive us; and we recognise in this attempt to disguise him in qualities which he does not possess, a manœuvre of those Maires du Palais who work the puppet at their will. Under these circumstances, the members of the Imperial family and the ministers of state who are most inclined to substitute the retrograde for the stationary system of policy, acquire an increasing influence; even the external forms of government devolve upon them, and the crown of Austria is little more than a toy—so heavy or so fine, that the child it belongs to is forbidden to play with it.

We shall give our author's account of his visit to the palace, shortly after the late emperor's death, in his own words:—

"The whole imperial family was living together in the summer palace of Schönbrun, in the quiet of mourning; the spirit of grief still seemed to hover in

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the apartments of this castle, whose walls, like those of the Alhambra in Spain, have been the witnesses of so many deeply tragical events. As I entered them for the first time, I was affected by a multitude of sorrowful recollections; I thought of Maria Theresa's domestic arrangements in this, her favourite residence, where the Spanish chamber still revives her memory; of her unhappy son Joseph, who roamed up and down these avenues, in 1790, a sad spectacle for his subjects and his friends; of Napoleon, and the assassin Stapf; of Maria Louisa, who dwelt here, till a proud, but deceitful* hope, led her from the palace of her ancestors; of the Duke de Reichstadt, who was the object of snares from his childhood—who studied the history of his unfortunate father in these arbours, and who *died with his sword in his hand!* [that sword, we presume, which he had never *drawn*] lastly, I thought of Francis I., and his last residence here, and the inexhaustible legacy of great and sorrowful recollections."

The same spirit runs through every sentence of the book. Joseph II., the only prince of the House of Lorraine who was more ready to grant free institutions than his subjects were to receive them, and who, in the words of his inscription, "*Vivit reipublicæ non diù sed totus,*" is invariably spoken of as a revolutionary prodigal, expiating the disorder of his life by an early death. The Duke of Reichstadt, here as in that book of M. de Montbel's which somebody wittily termed "*le loyer du Hradschin,*" is described as being taught the story of his father's greatness by the care of his father's meanest foe, and dying (by a somewhat bold figure of rhetoric), with his sword in his hand!

"These recollections," continues Dr. Gross-Hoffinger, "occupied and moved me as I stood in the ante-room of the widow of Francis I., in the twilight of a dark and closing afternoon. I thought more especially of the fate of the Imperial family from 1810 to the present day, a period which embraces nearly the whole of my own life. From the time when Maria Louisa was borne into the arms of the triumphant emperor of the French, from that important moment for Europe, for Austria, and, by a singular caprice of fortune, *for me;* when the conquered house of Austria purchased a glorious peace (!) by the love of its princess, and when the alliance with France was believed to be the guarantee of future tranquillity, since that time, how much unhappiness fell to the lot of Francis! Of all the monarchs of modern history, he was marked out to bear and to surmount the largest share of misfortune. Six bloody years, which required the most unbounded sacrifices from his paternal heart and of his personal wishes, and a cup of suffering, bitter to the dregs—such was the share of Francis I.

"As the head of his family, his lot was not less heavy. He saw the objects of his tenderness unhappy; the youngest of his descendants were snatched from him by death; his three beloved wives, Elizabeth of Würtemberg, Maria

* We differ from Dr. Gross-Hoffinger. Neither Maria Louisa, nor her father, were deceived. Both were perfectly well aware that she could never be the wife of Napoleon, who was legally married to another woman. But the very existence of the House of Austria was at stake, and it was saved through the prostitution of a daughter and princess, by her father and king.

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Theresa of Sicily, and Maria Ludovica of Este, died; of his daughters, none were happy; many of his brothers were carried off; his favourite grandson, the child of his misfortunes, died in the bloom and promise of youth; around him, Francis saw nothing but the realm of death, countless fields of battle, the graves of his best subjects, the graves of his children and his friends."—(p. 67.)

Whilst our author was sunk in these melancholy reflections, the doors of the private apartments were opened, and he was ushered into the presence of the Empress Mother. After a description of her majesty's mourning, and a eulogium on her virtues, he thus proceeds:

"Her Majesty received me most graciously, and she condescended, in compliance with my entreaties, to communicate to me some traits of the life of the never-to-be-forgotten Francis. She observed, that 'the simple and equable life of the emperor in the bosom of his family, was but little remarkable, precisely on account of its extreme simplicity; he was more particularly attached to the late Duke of Reichstadt, and to the young Archduke Francis*; he inculcated his own high sense of duty and his own love of virtue upon the latter, from his earliest years; the attachment of the children to their grandfather was indescribable; but his subjects were more to him than children or grandchildren, they were the objects of his dearest regard, and to them his last thoughts and feelings were turned.'

"These words, spoken with a convincing feeling of their truth, and accompanied by the tears of the noble lady, prove more strongly than all political demonstrations, the sanctity of the end and aim of his government. I was penetrated in that moment with an indescribable impulse to throw open the doors of the palace, and show this edifying scene to the people—the afflicted widow of their emperor, honouring the memory of the father of his subjects."—(p. 75.)

The character of Francis of Austria has been so often

* This young prince, who is now in his seventh year, is heir-presumptive to the throne of Austria; his father, the Archduke Franz Carl, the present emperor's brother, is heir-apparent; his mother, the Archduchess Sophie, a princess of Bavaria, is the most distinguished person in the younger branches of the imperial house. It is said, that the present emperor, conscious of his physical and mental deficiencies, would willingly have abdicated in favour of his brother, if it had not been foreseen that the Hungarian nobles would have seized that change in the succession as a pretext for insurrection. The Princess Sophie has, with singular judgment, caused her son to be exclusively educated in the Bohemian language, with the exception of the lessons he receives from a French tutor; nay, within the last twelvemonths, she has herself begun the arduous task of learning Bohemian. Shortly before the death of the late Emperor, the young Prince Franz wrote a letter to his grandfather in Bohemian, having his little hand (which will in all probability one day bear the sceptre of these realms) guided by his Bohemian nurse; but what astonished the court more than all the rest, was, that the old monarch, whose good nature was equal to his statecraft, mustered up Bohemian enough at the close of his days to write an answer in the same language to his grandson. The education thus given to an heir to the throne affords some faint grounds for the hope that a monarch will one day rule in Austria, not wholly unacquainted with the manners and language of the most valuable part of his dominions.

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represented in this light, and the claims which his affability, his patience under misfortune, and the simplicity of his tastes, gave him to the regard of his people, were so universally acknowledged during his lifetime, that Dr. Gross-Hoffinger can add but little to the tribute which has been paid to his virtues; but history and posterity will search the annals of his reign, and will judge his character with a sterner eye. The charitable prince, the kind father, and the placid old man, will perhaps be forgotten, ere Austria has recovered from the poverty, the ignorance, and the moral prostration, which he bequeathed to his people.

The late emperor ascended the throne in 1792, after the very short reign of his father, Leopold II.; the moment of his accession was the most stirring in the history of modern Europe. Abroad, the whirlwind of the French Revolution was loose on its terrible course, and was breaking up the continent of Europe; within the Austrian states, which had been shaken by the changes and by the misfortunes of Joseph II., danger and dismay prevailed. But the country had received an impulsion from that prince, which had incredibly improved its condition, and enabled it to maintain the struggle in which it was about to engage. From that moment, Francis adopted those principles of re-action and conservatism, to which he clung through life, and from which neither peace nor war, ruin nor triumph, pity nor persuasion, hope nor fear ever afterwards diverted him. In the midst of his conflict with the hydra of liberty in the plains of Italy and Germany, he pursued the task of undoing the work of his predecessor at home. In 1803, during the short peace of Luneville, the censorship of the press was re-organised with excessive severity, and no less than 2800 books, which had been tolerated before 1792, were proscribed; though in 1809, Napoleon cruelly introduced a fresh infection, by tolerating and even spreading the works of Voltaire, Rousseau, and Diderot, under the wings of his victorious army.

The centralised system which had been introduced by Joseph, in order to enable the government to take a more rapid and decisive part in the improvement of the provinces and the enlightenment of the people, was used by Francis to exhaust the one, and to obscure the other. The extraordinary sacrifices of his people during the war, the enthusiasm of the

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Tyrolese, the valour of the Hungarians, and the fidelity of the Bohemians, were rewarded by no concessions after the peace. The chains which had been heaped upon Italy were prepared for the other provinces, and the revolutions of Naples and Piedmont, in 1821, gave the signal for fresh measures of precaution throughout the Austrian empire. The decrees of Carlsbad, and the acts of the Congresses of Aix-la-Chapelle, Troppau, and Verona, extended the same miserable arts over Europe. The whole policy of the Court lay in the debasement of the population, by every means which superstition, persecution, and an immense standing army draining the last resources of a ruined treasury, could furnish. These means of oppression were again redoubled in severity after the revolution of July, when age and experience had increased the terrors which Francis entertained of the changes originating in the west of Europe. From that time forth he was wont to exclaim, "*alles ist verloren*," "all is lost;" and for the last three years of his life, he hesitated to sign a decree; he was panic-struck by the signs of the times, and the ponderous machinery of the empire of Austria maintained its place by its *vis inertiæ* alone. Yet Francis was weak neither in head nor heart; he himself ruled, with the assistance, but entirely free from the control, of his favourite minister; his own personal attention was directed to an incredible number of the smallest details of the administration; and it was his own determination and his own unrelenting will which supported the wooden framework, by which his tattered and impoverished states are still held together. The reign of Prince Metternich began on the day of his master's death.

Our space will not allow us to enter at length upon the somewhat intricate history of Austrian finance, but the inconceivable dishonesty of the late emperor is nowhere more conspicuous than in the great financial measures of his reign, which are thus succinctly described in Schneller's *History of Bohemia*. (Vol. III., p. 79.)

"No sooner was Count Wallis called from the post of Oberst-burg-graf in Prague to that of finance minister in Vienna, than he perceived that the financial measures of Counts Saurau, Zichy, and Odonell, from 1790 to 1811, had only caused a momentary relief, without any permanent amelioration. Voluntary contributions had been called for; the silver of the churches had been taken; a base currency of half its nominal value had been issued; the exportation of the metals had been prohibited; a compulsory loan of seventy-five

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millions of florins had been decreed, to diminish the quantity of bank notes; immense duties had been laid upon all colonial produce; the post money had been raised two or three times; a property tax of one half per cent. had been introduced for an indefinite period; the emperor had publicly promised to stop any further issue of bank notes, but he was compelled again to have recourse to them:—nevertheless, all was in vain.

"The floating bank notes had imperceptibly risen to an amount of one thousand and sixty millions of florins (£.106,000,000 sterling); the amount of the interest-paying debt was never exactly known, but it was doubtless even more considerable; the salaries of all public officers and the expenditure of the state had of course risen enormously in proportion to the depreciation of the currency; all these palpable evils were to be remedied at once by the bold project and the determined character of Count Wallis.

"The *coup d'état* which that minister carried into execution received the approbation of His Majesty on the 11th of February, 1811; the important orders were printed with the greatest secrecy in the imperial printing office; a copy of the patent was sent, sealed, to all the governors of the empire, who were to open it at the same hour, on the 15th of March 1811; these orders were instantly to be acted upon, without remonstrance, and without the assent of the States; they were promulgated amidst the roll of the drums of the soldiery. In what did this master stroke consist? In the substitution of quittances for bank notes, so that five florins of the latter were paid by one florin of the former in all public as well as private transactions.

"The whole financial system throughout the empire was changed; the received notion of right and property was wholly violated. In the following war of 1813 a fresh issue of two hundred and twelve millions in paper was made, besides anticipationscheine to three times that amount. When Count Stadion succeeded Count Wallis the paper money was so fallen, that he found it necessary to reduce it from two hundred and fifty to one hundred; the consequence was, that, in every part of the empire, the property of minors, hospitals, all institutions, and capitalists, was reduced from one hundred thousand to twenty thousand by Wallis, and from twenty to eight thousand by Stadion. Yet all this was little in comparison to the corruption of morals it brought amongst the people; every man striving by any means which he could command, to make up for his undeserved loss. All this was little to the permanent disadvantage of the state, which was compelled to borrow, after the peace, first twenty millions and afterwards thirty-eight millions of Rothschild, and nearly as much again from other contractors."

Besides this, Austria borrowed two hundred millions of francs within the year succeeding the revolution of July, and her embarrassments have gone on increasing up to the present hour.

The prevailing features in the character of Francis, were his extreme craft and narrow-mindedness; he trusted no one; yet there was nothing gloomy in his disposition, and his conversation was enlivened by frequent sparks of good natured sarcasm. He was not a cruel man, indeed the immediate circle about him bears witness to his benevolence; but no

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contemporary prince inflicted a greater mass of moral and physical sufferings upon his subjects; none ever understood better how to "give a gloss unto his violence." He had adopted for his motto, "*Justitia regnorum fundamentum*," but he was a relentless persecutor, and the men whom he believed to entertain liberal sentiments in politics, or to harbour a feeling of nationality, were his personal foes. He never desisted from a pursuit, and the keys of his state prisons were in no hands but his own. His fondness of popularity was extreme, and he retained an extraordinary degree of it, particularly in the hereditary Austrian states, to the day of his death. He was wont to shift all the odium of offensive measures upon his ministers, and a complete system of secret orders was organised in every department of the administration, which enabled him to grant requests and issue commands publicly, with the certainty that they would not be obeyed.

On one occasion, at one of the public audiences which he gave twice a week in Vienna, he was much pressed by a supplicant to grant an order which he could not refuse without an ill grace. "Write your order," said the emperor, "and I "will sign it;"—the delighted suitor wrote as he was bid, and the sign manual was given; but on presenting the paper at the proper office, the matter was received very coldly; previous instructions had been given, that no extraordinary order should be acted upon in that office, unless it was *wholly* written in the emperor's hand.

He was so jealous of the popularity which he frequently obtained by the meanest of artifices, that he treated the most distinguished members of his own family with harshness, whenever he suspected them of standing too well with the public. Even his sons and successors were not allowed to take any part in public affairs, or to strengthen their weak characters by princely pursuits or princely graces, lest they should eclipse the old actor ere he left the stage. The gallant and accomplished arch-duke Charles, who is titular viceroy of Bohemia, resided for some time in Prague, and kept a court suited to the importance of that province. The Bohemians, proud of their viceroy and satisfied with the excellent administration of the prince, expressed their satisfaction too warmly for the emperor's ear; his brother was recalled, and the government of Bohemia has been ever since confided to

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an oberst-burg-graf, or lord-lieutenant, chosen from the native nobility. The other provinces of Hungary, Gallicia, Lombardy, and Upper Austria, are all governed by arch-dukes, of whose popularity neither the late, nor the present, emperor have the smallest reason to be jealous.

Lastly, Francis of Austria was a religious prince: " e " non è cosa più necessaria a *parere d' avere* che quest' " ultima qualità [namely, religion] perchè gli uomini in " universale giudicano più agli occhi che alle mani, perchè " tocca a vedere a ciascuno, a sentire a pochi," said that great writer, of whose darkest maxims the emperor made so constant and perfect a use:—" perchè," (to resume the quotation,) " conosceva bene questa parte del mondo." But the religion of Francis not only served to support him in his hours of trial, and to purchase for him golden opinions from all sorts of men; it became in his hands one of the most powerful instruments of state-policy—a use which Machiavelli would not have omitted to point out had he lived in more recent times.

The nature of the relations between the Vatican and the Imperial Court at the time when Francis mounted the throne, and the subsequent captivity of the head of the church, contributed to deliver all real spiritual power into his hands. The most important of Joseph's reforms were, unquestionably, executed in no spirit of friendship either to the interests of the church or of religion. In 1773 the order of the Jesuits was suppressed, which consisted at that time of 1130 members in Bohemia alone, possessing landed property to the value of eight millions of florins, twenty great colleges, twelve residences, and various missions. This act was accompanied by the secularization of 900 convents, and the prohibition of the mendicant orders. The number of the regular clergy in the empire was reduced from 63,000 to 27,000. The education of the people, which Joseph earnestly promoted, was thrown more and more into the hands of the laity; ecclesiastical property was deprived of its exclusive privileges; the innumerable holidays of the church were abolished; and the most superstitious observances of the people were discouraged or prevented by the government. The first result of these changes was the destruction of the Papal power in the Austrian states: the Emperor became

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virtually the head of the clergy; the State assumed the function of directing the religious and intellectual instruction of the people.

But when Joseph robbed the hierarchy of its independent influence, he little foresaw that it would become the servile tool in the hands of his successors, of a policy diametrically opposed to his own. The power which he had assumed over the church remained in the hands of Francis, and was the most important instrument in forwarding that re-action to which the life of the latter prince was devoted. Every bishop and every chapter throughout the empire became an agent of this spiritual police. The professors of theology were taught by persecution to acknowledge no orthodoxy but that of the commission of Public Instruction at Vienna. The singular veneration paid to St. John Nepomuck in Bohemia and the adjacent provinces was promoted by the munificence, and encouraged by the personal example, of the Emperor*. All the abuses of the Catholic rite have been fostered by the government for the last twenty-five years.

Amongst these abuses the pilgrimages or processions of the Virgin are the most offensive and pernicious. They were prohibited in 1775, but they are now instigated by the authorities, and whereas not more than one of them took place annually at the beginning of the century, twenty or thirty are now celebrated in Bohemia. The procession is led by an image of the Virgin, dressed in the most gaudy and unbeseeming trappings: it crosses the country on a pilgrimage to Heiligenberg, Brandeis, Friedek, or other spots which have retained a character of sanctity. Its pro-

* The history of the legend and influence of St. John Nepomuck is one of the most curious chapters in the history of man, and one of the most striking examples of the power and policy of the Jesuits. Towards the end of the seventeenth century the legend was first preached by them to the people; his relics (which had been miraculously discovered) were exhibited; his shrine was adorned with prodigious magnificence; in 1729 he was canonized, and the sanctity of St. John Nepomuck has now effaced the memory of John Huss, whom they honoured as their national martyr, and that of St. Wenceslas, their national prince, from the faith of the Bohemian people. The statue and shrine of this symbol of priestcraft and ignorance was restored by Francis; and on one of the festivals of the saint both their Majesties came to Prague to pay the devoutest homage to his relics, when the monarch, kneeling on the bridge before the statue, publicly offered up his prayers in the presence of thousands of his subjects.

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gress frequently lasts for many days, and vast multitudes of the population join it as it proceeds. It is customary for the clergy to carry the image through their own village, and a fresh relay of priests is in waiting at the boundary of each parish. The better informed of the clergy are revolted at the custom, and at its deplorable effects on the morals of the people, but they are the few who are unwise in their generation.

It happened not long ago that a priest who was summoned to take charge of the image, seized it, flung it down, and broke it to pieces, telling the people that their devotion had degenerated into the basest idolatry, and that the intercession and favours of the Blessed Virgin would more surely be granted to their decent prayers and sober lives than to these fanatical processions sweeping in a disorderly train over the country. Great was the consternation of the people; great the indignation of the consistory before which the bold priest was cited to appear. He appealed, however, to a law passed by the Emperor Joseph against these processions, and maintained that what he had done was strictly conformable to his duty as a priest and a subject, as well as to the dictates of his reason and conscience. His plea could not be controverted: but he drew down upon himself the animadversion of his ecclesiastical superiors, and he was cautioned not to attempt a second display of these dangerous principles.

Such are the real claims which the late Emperor has to the esteem of his subjects; such were the real workings of his fatherly love. We have touched indeed but cursorily on the chief points, and we have left countless persecutions of all that was good and great untold; we have neglected to trace a thousand secret springs which were always at work to efface the nationality, and to degrade the intelligence, of his subjects. But enough has been disclosed to show that he found Austria just awakened to the calls of the age, just bending like a gallant ship to those favourable gales which were to waft her happily along: and that he left her rolling heavily in the midst of a tempestuous sea, stripped of her sails, bare, impoverished, and unmanned. But one trait is wanting to complete the picture: but one measure remained which he was bigoted enough to project, though too pusillanimous to carry into execution. He bequeathed it as a legacy to his people;

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and when his will was opened, it was found that he had left four hundred thousand florins for the re-establishment of the Order of the Jesuits throughout the empire.

This important circumstance gave rise to warm discussions in the family and the counsels of the new emperor. The decision which has been taken has probably fixed the policy of the new reign, perhaps sealed the doom of the Austrian monarchy.

On the one hand Ferdinand is personally averse to the Order; he resolutely refused to accept a Jesuit for his own private confessor; he is aware of the excessive unpopularity of the measure, as much amongst the secular clergy as amongst the people, and he displayed the greatest reluctance to sign the decree. The views which were timidly entertained by the weak but well-meaning sovereign, were vigorously supported by the Archdukes John and Charles, his uncles, and by Count Kolowrat, the Minister of the Interior.

On the other hand, the high absolutist party, headed by the Empress Mother, the Archdukes Ferdinand* and Maximilian (of the house of Este, brothers of the Duke of Modena), and by Prince Metternich, warmly advocated the cause of the Order. They represented to the filial piety of the Emperor that the legacy of Francis conveyed the most solemn parting injunction; they worked upon his fears of revolution and upon his religious feelings; and they prevailed. On the 19th of March, 1836, the decree was signed by the Emperor, and countersigned by all the Archdukes and great ministers of state, including Count Kolowrat. At the moment at which we are writing, it has not been promulgated, and the fact of its existence has scarcely transpired; but wherever it has been known or suspected, the report has been received with a degree of dissatisfaction, which announces the violent animosity

* Galicia, the province governed by the Archduke Ferdinand, is the only part of the empire in which the Jesuits have been tolerated since 1773. In a Vienna paper we read not long ago the following notice, "Lemberg, Aug. 21st. This day a solemn service has been performed in our city by the Archbishop and Primate of Galicia, in honour of the restoration of the brothers of the Order of Jesus to their ancient church; the service will henceforth be performed in that building as it was sixty-three years ago by that Order." These two Archdukes were educated by the Jesuits Draghetti, Bondi, and Finelli, who lived and died at Vienna.

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its operation will excite. The convents of the Liguorists, which have been founded in the Austrian states, have served under another name to prepare the way for the Jesuits. Already secret measures are in progress to reinstate them entirely in the enjoyment of that vast irresponsible power and of that extraordinary constitution, by which they exercised so tremendous an influence over the education and the history of their species. When they have once acquired possession of the schools, and especially of schools conducted on the Austrian system, they are well aware that the state itself is their own.

The system of education pursued in all the Austrian states is nearly the same, and no individual can be admitted to any career in the public service, without the due attestations of having undergone a regular course of training in the schools prepared by the government for the adepts and agents of its policy. Even in private life the strictest measures are taken to confine the rising generation to the same pitiful system; and the pupil who should venture to pursue his studies in a foreign university would blight his prospects, in any profession*, for life. The course of instruction begins at the age of six or seven; the rudiments of language are taught till ten, and the pupil is then exclusively engaged till fifteen with the Latin tongue—not indeed in obtaining a mastery over that golden key, or in imbibing the generous sentiments of the Romans in the noble language of Cicero and Tacitus, but in construing a delectus of anecdotes and maxims, just fitted to prepare him for his future studies and his future life. At fifteen or sixteen he passes into the philosophical classes, where he is crammed with the dry nomenclature of Jesuitical logic, and not taught to reason—for the very elements of that faculty have been stifled within him—but to know the names of reasons: he is also made to begin Greek; and the more advanced pupils can

* In Austria, as in every other part of Germany, the practice of *every* profession is immediately dependent upon government permission. Born burghers of certain towns are privileged by the charter of the towns to exercise trades, but there are restrictions enough, even in this case, to make them absolutely dependent upon their rulers; we speak from a knowledge of several cases of self-sacrifice, where a love of science impelled young Austrians and Prussians to pursue their studies at *foreign* universities, in despite of ruin.

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conjugate a Greek verb before they abandon that language. To these studies are added a sketch of the history of philosophy, in which Leibnitz and Kant are dismissed in one or two pages; and a course of Austrian history accompanied with a few dates from the general history of Europe which, however, *breaks off abruptly at the year* 1789. If he be intended for the civil service, the pupil then passes into the school of law, where he follows courses for four years which are wholly given in Latin, with the exception of the course on the fundamental principles of the law of nature. Fifteen or sixteen years have thus passed away, the period of life at which a man is most open to instruction is wasted, and the genial activity of youth is petrified by the discipline of the schools of despotism. During the whole period, religion is presented to the pupil under its most repulsive form, by the constant interference of a priesthood severe in its exactions, and dissolute in its morals. Perpetual examinations must be undergone at every stage, as if the temple of knowledge could only be entered by jumping close-footed over its innumerable thresholds. Certificates must be obtained from every one of these trials, which are almost entirely in the hands of the clergy, and no account is taken even of the physical obstacles to the fulfilment of these conditions, which may arise. But the result is obtained; and the Austrian youth leave these schools for stunting the mind (when they are not deterred from studying at all), with little more learning than when they entered them, with no experience, but with a ready disposition to the only pursuits which are innocent in the eyes of the government, namely, those of the tyrant or the voluptuary.

Such is the field in which the Jesuits will now in all probability be summoned to the task of combating the restless spirit of the age. But though the Austrian aristocracy be ignorant and frivolous, the middle classes timid or corrupt, and the populace debased by superstition, there are elements of change abroad, perpetually stimulated by fresh causes of uneasiness, which may startle the most sanguine partisan of the stationary system. The weapons of the Jesuits of the present day are directed against mightier and more universal principles than those of Protestantism in the sixteenth and seventeenth centuries; and their restoration may perhaps be the precursor of a

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reaction as violent as that which ejected them from France. A vague presentiment pervades the whole population of Austria, from the peasant muttering his silent discontent to Prince Metternich himself repeating his terrible adage, "After me—"the deluge!" At the present moment, the absolutist party triumphs; all hope of concession seems more and more remote; neither perils from the East nor warnings from within can move the administration, and the only man who has had the courage or the virtue to resist the policy he could not change, resigned last September*.

The following sketch of the character of Count Kolowrat-Liebsteinsky, bears evident marks of the purpose for which all our author's observations have been committed to the press. The policy of Prince Metternich has been to avail himself as long as possible of the popularity of his more liberal colleague, by affecting to live in an entire harmony of purpose with him; and in the following passage, Dr. Gross-Hoffinger has attempted to combat the notion of the jealousy of the two ministers. At the same time the nature of Count Kolowrat's views is pointed out with tolerable fidelity: a more ingenuous writer might have added, that they have been combated and crossed by every possible manœuvre.

"Since the accession of Ferdinand I., much has been said of reported cabinet differences between Prince Metternich, the Minister of Foreign Affairs, and Count Kolowrat-Liebsteinsky, the Minister of the Interior. But those who were acquainted with the position of affairs, and with the character of these two men, doubted at once of the fact of a serious division, which must have been pre-eminently dangerous for the state at the present moment. In the first place, the honorable position of the Austrian ministers in relation to their sovereign and to the constitution of the Austrian states, is in itself a protest against an expression which would only be applicable to the reptiles who seek their own advantage from the misfortunes of a disorganised state, and from the embarrassments of a court equally sunk in its politics and its morals: in the second place, the supposition of a separation beween two ministers who were united under

* We are aware that the fact of Count Kolowrat's resignation has been contradicted, or rather that it has been asserted that he has resumed his office. This may be true, but many months must elapse before we can be sure that his compliance with the entreaties of the court is more than a feint to save appearances, or an unwilling surrender of his principles to the necessities of state. This is not the first time that he has protested, by his resignation, against the policy of the court: the immediate cause in this instance, besides the affair of the Jesuits, we know to be the large remittances made by Austria to Don Carlos, which it was his duty, as finance-minister of that ruined treasury, to prevent.

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Francis I., must appear the more improbable, as the necessities of the state and common interests and objects, as well as their joint patriotism, would furnish sufficient points of union, even if differences of opinion were to arise.

"Count Kolowrat is descended from one of the richest and most celebrated houses in Bohemia, which has ever been distinguished in all the struggles of that unfortunate people by its loyalty to the sovereign. He was born and educated in that period which is termed in Austria the Josephine age, because it was marked by the interesting character of that prince, by his impetuous passions, his noble designs, and his errors. If Kolowrat read the history of his house—a house so famous and so distinguished that the legend tells of a bell which rang of itself, and a stone from which blood oozed, whenever a Kolowrat died,—or the living pages of his youth, his noble spirit was directed to the examples of human worth under its various forms, and to those calls of a progressive age which were most congenial to his own character. His wealth and influence nourished a great degree of independence in his opinions, which gave the young and lively nobleman a reputation for liberal principles, scarcely reconcileable in all respects with the stationary ideas of the ruling system of the time."

The fact thus cautiously alluded to is, that Count Kolowrat actually belonged to one of those secret democratic societies which existed in Germany at the commencement of the present century. Francis, with characteristic shrewdness and with more than his usual liberality, observed that a Kolowrat and a man of his property would make a bad revolutionist; and conferred upon him, without hesitation, a distinguished place under the government.

"He commenced his public career in 1810, as Oberst-burg-graf of Bohemia, and he found in that somewhat neglected province, new materials and abundant opportunities for observing the deplorable consequences of the repression of all generous endeavour, and scope to realise his own ideas and principles of government. His exemplary economy, his patriotic zeal, which revived the national life of the Bohemians and won all hearts, succeeded in materially improving the condition of that kingdom, and in giving a fresh impulse to its culture, its civilisation, and its public spirit. As a native Bohemian, who possessed the regard and confidence of all, and who soon saw the fruits of his enterprises for the public good, he was more and more convinced that tolerance, economy, and confidence, were the means by which any thing might be accomplished in countries where the excellent character of the people affords a voluntary support to all that is good. Science, art, free trade, a strict financial control, and the maintenance of the nationality and the constitution of the provinces appeared to him to be the surest guarantee of lasting tranquillity and progressive improvement. The experience of many years strengthened him in his principles, which he was called upon in 1825 to apply on a larger scale, when the Emperor summoned him to Vienna. Though the measures of Kolowrat sufficiently announced his Josephine opinions, yet he was always a foe to violent proceedings on the one hand, and on the other to that vulgar liberalism, which is apt to degenerate into Jacobinism in a country like Austria, where a powerful aristocracy stands in its way. Kolowrat favoured the latter, not from private interest, but from state-policy, because he regarded it as one

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of the most powerful supports of the Austrian empire; but he did not forget the interests of the middle classes, or the cause of civilisation at large. Kolowrat, whose opinions are as far removed from aristocratic absolutism and obscurantism, as from the turbulent spirit of the menders of the world, and whose policy is to maintain the forms of the state, to consolidate the throne and the aristocracy, to raise the condition of the peasant, to forward the well-being of the nation and freedom of opinion, represents, by his principles and his measures, *the wishes of the Austrian people, the degree of cultivation to which they are arrived, and the moral condition of the youngest generation*, as contrasted to the law of state necessity, which may frequently be admonished of its opposition to those wishes by its own rigid enforcement."—(p. 121.)

Our author then proceeds to argue, with more subtlety than we can master, that although these vital differences exist in the characters, the views, the education, and the policy of Metternich and Kolowrat, the result of their conflicting influence must afford a sure support to the administrative system of the Austrian empire. We have already shown, by facts posterior to the time when his book was written, that this union was a chimera, and that the party hostile to the liberal improvement of the empire has gotten the upper hand. To our apprehension the enigma is susceptible of an easy interpretation: as long as Francis lived, both ministers occupied a subordinate position, and the talents of each of them were pre-eminently useful in maintaining the position of Austria abroad, as well as in forwarding a partial course of physical and fiscal improvement at home, without materially affecting, either one way or the other, the system of which he was himself the sole head and master. But on the accession of a prince wholly unable to discharge the functions of an absolute king, the minister acquired a first rate importance in the government of the empire, and the dying injunctions of Francis, backed by the intrigues of the absolute party at court, have succeeded in throwing that preponderating power into the hands of Prince Metternich.

In the persons of the inferior agents of the administration, this party finds strenuous supporters, especially in Count Mittrowsky, the President of the Commission of Public Instruction; in Count Sedlnitzky, the head of the Police and the supreme Censor of the Press for the whole empire; in Baron Lebzeltern and Dr. Jarcke, the successor of Gentz—who are employed in Prince Metternich's own office. Few of these employés have any trace of that national feeling which

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is the best feature in Count Kolowrat's character: few have any real knowledge of the condition of the eastern provinces of the empire: and the business of the state is transacted either by men educated in the obscure atmosphere of a Vienna bureau, or by strangers whose chief recommendation consists in their decided anti-liberal principles. We cannot give our readers a better idea of the character of these functionaries, and of the progressive tendency of the public offices towards ultra opinions than by quoting our author's comparison of Gentz with his successor Jarcke.

" Prince Metternich suffered a great and perhaps irreparable loss by the death of Baron Gentz (9th June, 1832). This able and thinking publicist was his true friend and indispensable adviser, whose profound acquirements, and keen powers of observation, gave strength to the voice of the cabinet. More justice would be done to his memory in Austria, if he had not been a stranger and a proselyte; for his great talents entitled him to universal consideration. He has been much misunderstood and misrepresented. I think I cannot better express the opinion of those who knew him well, than by saying that Gentz was a man of necessity, and that he recognised her as a mistress to whom every thing must be sacrificed. As a man of strong mind and will, he accomplished the prodigious difficulty of compressing his own peculiar thoughts and feelings within the iron mould of the public character allotted to him, without wholly destroying them. His strength was for ever united to the strength of the machine, forwarding its work like the water of a mill, and perpetually labouring for its adopted system: yet perhaps he internally deplored the weaknesses and errors of men, and wept for those he struck. Even his adversaries produce many proofs of his generosity. Gentz showed in this respect a reflection of the beauty of character of his *chef*, which was unhappily not complete in other things. Gentz, as a thoroughly systematic mind, was totally ignorant of the nationality of the Austrian character; he misinterpreted its qualities: and high as he stood in European diplomacy, he did not possess the love of the Austrians, who keep alive their national prejudices.

" I have been the more careful in trying my objective glass upon this character, as it furnishes me with a standard to judge of the qualities of another. I mean Dr. Jarcke, who has been placed in the Staats Kanzley since the decease of Gentz. * * * * *

" Gentz was a child of his age, nourished at her breasts, strong by her strength, —events were his teachers, and experience was his tutor; hence he worked with living organs, and found sympathy. Jarcke is a dogmatist of the middle ages, who has been fed from infancy on old books and judicial dialectics; he is a fanatical controversialist in religion; in politics, the foundation of his creed is the principle, that *kingship is immediately given by God, and that a prince is an agent of the divinity*. Gentz would scarcely have expressed himself thus, and he would not have asserted the *immediate* influence of this principle. To advance these maxims is to provoke contradiction; and whoever takes up this ground stands apart from his age. Gentz was more practical, Jarcke is a theorician. Gentz actually defended a state, Jarcke defends an aphorism. Gentz was an astronomical clock, which showed the time with mathematical precision, whilst

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the revolutionary hands were running irregularly over the dial, and disturbing the order of nature; Jarcke's clock is a hundred years or more behind the time."

We have omitted our author's coarser vituperations of Dr. Jarcke, because they evidently arise from personal pique; but the parallel we have quoted is curious, as it shows that beyond the calculating supporter of existing institutions a more fanatical advocate of divine right was to be found; and that the ruling planets of Austria increase in their distances from the sun, a Uranus following a Saturn, and a Jarcke succeeding to a Gentz. Our author himself finds his task too heavy for him, and halts in his apology. He even insinuates that Jarcke is not the influential person he is supposed to be. But be that as it may, Austria swarms with would-be Jarckes, in church and state—men more fitted to rule under the name of Ferdinand II. of Germany, and Philip II. of Spain, than to hold a fraction of power at the present day under Ferdinand of Austria.

As a positive illustration of the extent to which these maxims of divine right and passive obedience are professed, we are about to lay before our readers a document, not altogether designed for the sort of publicity we are likely to give it, but which we are anxious to preserve as a specimen of the spirit and style of the Austrian Clergy in 1836. It is a pastoral letter addressed by the Archbishop of Prague to his diocese, at the coronation of the emperor as King of Bohemia in the month of September last. The importance of the occasion, the presence of the court, and the character of the prelate, may justly entitle us to regard it as an official document. Its authenticity we ourselves vouch for. The length of the document has obliged us to omit certain passages of minor importance; but in other respects we have confined ourselves to a literal translation of the German original.

"We, Andreas Aloys, by the grace of God, Prince Archbishop of Prague, Count Skarbeck Ankwicz von Poslawic, Primate of Bohemia, &c., &c., &c.

"Greet all the pious believers of our arch-diocese of Prague, who shall see, read, or hear read this our letter, with our sincere salutation and fatherly blessing.

"Dear Lambs in Christ Jesu!

"We cannot conceal the inexpressible pleasure which our heart felt when, on the 7th of this month, in our holy and ancient metropolitan church, we enjoyed

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the supreme happiness of anointing one of the greatest and mightiest of monarchs with the holy oil, and of crowning his illustrious head with the holy diadem of the kingdom of Bohemia.

"It was incontestably, and will for ever remain, one of the finest, the happiest, and most blessed days of our life, for which the inscrutable providence of God has appointed us, and which leaves us nothing more (except the eternal welfare of our soul) to wish for in this world.

"Yes! thanks be to the All Good! we have happily performed, by God's aid, the triumphant and august solemnity of the coronation of His Majesty our most illustrious and beloved Lord Ferdinand, by the grace of God, king of Bohemia: In the splendour of that important and holy ceremony we have seen and honoured the reflection of the divine glory (for the rank of kings is an institution immediately derived from God, as it is only through God that kings reign): and the voice of the Most High penetrated to our heart, as he spake to King David; 'I have found David my servant: with my holy oil have I anointed him; with whom my hand shall be established, mine arm also shall strengthen him; the enemy shall not exact upon him, nor the son of wickedness afflict him.'—(Ps. lxxxix.)

"It was in truth a day of the greatest patriotic jubilee and the sweetest delight, which, to speak with holy writ, 'the Lord hath made,' (Ps. cxviii.); and which will ever remain as a never-to-be forgotten memorial to yourselves, beloved in Christ, to your dependents, and especially to your dear children. The fathers of coming generations will tell the glory of the Lord to their sons—how in the midst of acclamations of triumph and tears of joy, Ferdinand the Just, Bohemia's anointed of God, showed himself to his faithful people, in his royal robes of high state, having the crown of Charles IV. upon his head, and how he was received with the most cordial homage of his good subjects.

"Praised and blessed be the Lord of Hosts!

"As religion and the church have now performed before the altar of God upon His Majesty the most illustrious Emperor of Austria, as our well-beloved lord and king, all that was suitable to complete his divine installation, we confidently expect from your well-known piety and fear of God, that you also shall conscientiously and under all circumstances perform those duties which the religion of Jesus imposes upon you towards your lord and king. The sincere and profound love, which doubtless moves you towards His Majesty, puissantly demands that you should fervently pray to God for him, for his long preservation, and for a happy reign: * * * and this duty of praying for the monarch is by so much the more urgent, as by its fulfilment our own welfare will be promoted and ensured: and holy writ teaches us that 'the king's heart is in the hand of the Lord; as the rivers of water, he turneth it whithersoever he will.'—(Prov. xxi.)

"'Honour the king,' exclaims the Apostle Peter to all believers, honour the king, for he bears the sword entrusted to him by God for the protection of the upright, and the punishment of evil doers: and as you owe to God from religious duty the most profound devotion, even so do you owe all honour to His Majesty the rightful lord of the realm: for he is the image and the vice-regent of God, by whom 'princes rule, and nobles, even all the judges of the earth.'—(Prov. viii.)

"Lastly, religion makes it incumbent upon you to yield a christian obedience to His Majesty. (1 Peter, ii., 13). Not from compulsion or hypocrisy, but for the Lord's sake (Rom. xiii., 1, 2); for He has so ordered it, because it is well-pleasing to His infinite Majesty, and He gave us Himself a worthy example of obedience to the authorities, in the person of His own Son.

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" This is, my beloved, true christian obedience to the ruler appointed by God. Lay then to your hearts, for your greater edification and strengthening in good, the words of Tertullian, spoken by him in the name of the first christians: ' We honor the emperor,' said he, ' as a person who comes directly after God, and who is subordinate in relation to God alone*.'

" We think that we do not err in the tranquillizing belief that not one of you, as we trust in the grace of God, will ever harbour the evil intentions of certain men of whom the Apostle Peter has so bitterly complained, as of those who ' despise government,' and ' are themselves the servants of corruption.' (2 Pet. ii., 10, 14, 19.)

" May the immortal King of Kings, the Lord of eternal glory, who portions out crowns and sceptres, and wonderfully protects them, bless His Majesty our most gracious, good, and religious king, and Her Majesty, his illustrious consort, our gracious lady and queen! may He bless the most illustrious and august imperial house of Austria, our dear country Bohemia, and may He suffer us all in peace and tranquillity to work out the salvation of our souls.

" Given in our residence at Prague, the 8th September, 1836.

(L. S.) " ANDREAS ALOYS,

" *Prince Archbishop.*"

This priestly homily requires no commentary; and we may leave its sanctimonious—we had almost said its blasphemous—language, its distorted texts, and its obsolete maxims, to the judgment of our readers. It is itself a comment on what we have before said; it completes the attempt we have made (more by facts than ratiocinations) to reveal the present disposition of the Austrian government.

But incredibly opposed as this system is to the spirit of the age, it becomes even more incredible when we cast a rapid survey over the countries which are grouped under the Austrian sceptre. What signifies this morbid apprehension of the West, this hostility to the constitutional governments of Europe—whose utmost influence (were it exerted) could only disturb the Italian provinces—when the core of the empire burns with a smouldering fire, and the frontiers of the East are gradually undermined? What profits this solicitude in the cause of absolutism from Cadiz to Jutland, when, on the one hand, the influence of Austria in the German Confederation is more and more effaced by the commercial and political measures of Prussia; when her bad government has re-kindled a feeling amongst her Sclavonian subjects—one-half of her entire population—which may lead them to prefer, through the blindness of despair and the never dying sympathies of RACE, the rule

* To Scapula the prefect of Africa.

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of Russia itself to such ignoble oppression? Do they not know that the drugs which lull the minds of a people to sleep, may also poison those minds? Are they not aware, as Russia is, that the conflicts of the Slowak peasant and the Magyar noble in Hungary, will not always suffice to maintain the precarious empire of a third power, equally estranged from both: that the Polish province of Galicia has been so monstrously debased and impoverished by the cabinet of Vienna, that she aspires to ennoble herself by sharing the dreadful doom of the Russian provinces, preferring to bleed in chains rather than to perish by an atrophy? Are they unconscious that the Szekler population of the military frontiers, which can always answer a roll-call in a few hours with a muster of two hundred thousand regular troops, and that the Hungarians, sharing with them the zeal and the discipline of the Greek church, are more and more affected by the promises held out to them, and the designs insinuated among them by the Head of that Church? And in the midst of these startling signs of the times, whilst Russia is extending her power, the precursor of her armies, through every province adjacent to her own states and far beyond them, Austria forgets to know herself, and allows her life-blood to be sucked away before her drowsy constitution has felt the wound.

We might indeed contest the justice or the humanity of her policy, if it concerned only her own subjects and herself, but the position of affairs at the present moment demands a louder tone of obtestation: we have allowed her to persecute, we have allowed her to misrule, but are we to allow her to compromise the security of Europe? Can she so far neglect the advantages of her magnificent position, her numerous population, her fertile soil, her mighty rivers; can she so far forget the dangers and the countless wars by which she suffered, when a power infinitely less formidable than that of Russia held the eastern fortresses of Europe, as not to rally her provinces by every concession which may increase their prosperity and revive their loyalty. It is not enough, that she should fortify herself by foreign alliances; the danger which is external (though perhaps but too near) to *us*, is to *her* internal and organic. The only secure provision which Austria can make against it consists in an internal change of her policy,

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which may foster and strengthen her Sclavonian populations, by giving them and their wants the preponderating influence which their immense superiority in numerical strength and their equal aptitude for civilization entitle them to. This change would indeed be important, but it would not be organic or revolutionary. No country in Europe possesses, in all its various provinces, so many vestiges of aristocratic and popular constitutions, planted in the earliest times and flourishing in the middle ages, which require only to be gradually restored and put in action, to produce the most salutary results upon the people. We do not advocate any sudden change to awaken the sleeping energies of the lower orders, or to introduce those novel ideas to which the whole policy of Austria is opposed, but we would have her improve the national education of the people, we would have her lay claim to the full measure of its gratitude (so easily won) by turning its suspicions from a government, which has hitherto been a stranger within the recesses of its dominions, against that external stranger who already threatens her vital interests.

But these aspirations are remote from the thoughts of those who govern the destinies of that great and necessary member of the European family of states: the evils we point out are real and present; the enemy is on the shores of the Danube, at the gates of the Bosphorus, on the frontiers of Hungary. Nothing but the magnitude of the danger can disturb the crassitude of their indifference; nothing but a wise and energetic resolution can save Austria from the two-fold calamity of internal disturbance and foreign invasion, the one encouraging the other, and both leading to her total dissolution.

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Article III.

British Customs Duties. Arranged by J. D. Hume, Esq. London: 1833. *With the Alterations made up to the close of the last Session of Parliament,* 1836.

French Tariff; published officially, as modified by Royal Ordinances. July 1836.

Russian Official Tariff. St. Petersburgh, 1835.

Austrian Official Tariff, as modified by the Imperial Ordinance of July 1836.

Official Tariff of the Germanic Union. Berlin, 1836.

The expedients adopted by various governments to raise the money required to maintain courts and defray the expenditure of states; together with the consequent taxes laid on industry, and the restrictions imposed on commerce, in order either to give a false, though specious, protection to particular branches of production, or to uphold royal, corporate, or individual monopolies, form subjects of curious, though not frequent, inquiry. And yet the examination and exposure of them afford the best instruction for the people in respect to the manner in which they are taxed, and the sagest lessons to those legislators who are entrusted with the government of a nation.

The bigoted conservatives of ancient abuses, special privileges, and legislative absurdities, contend, that England has become the most powerful and wealthy country on earth under a *protective* system of trade. We admit this,—changing the term to *restrictive* system, and always excepting the state of the labouring population of the United Kingdom, who are certainly in a less easy condition, in respect to securing, or possessing regularly, the means of living, than the working classes, in general, of Germany, Austria-Proper, France, and Belgium.

But we are far from admitting that the commercial system so falsely called protective, has been in any respect the *cause* of the extraordinary ascendancy which England has attained among the nations of the world. England owes her power and wealth, even her intelligence and liberty, to her geographical

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position and configuration—to her rich mines of coal, iron, copper, lead, tin, and salt—all conveniently disposed for home consumption, manufacture, and exportation. To these great elements, brought into useful and profitable operation by, and in turn serving to develope, the thrift, industry, ingenuity, and enterprise of the nation, is entirely to be attributed the magnificent position in which Great Britain has so long stood, notwithstanding her heavier taxation and the higher price of all that is necessary to maintain the lives of her people.

In time of war, the harbours of England gave her military and commercial fleets an incalculable advantage over those of continental Europe. Lying west of the Continent, the prevailing winds, which prevented foreign ships from putting to sea, enabled those of the east coasts of Britain and Ireland to leave their ports: those of the west coasts being at the same time safe from their position, as well as from the protection of our ships of war cruizing in and off the entrance of the English and Irish channels. Thus, while the nations of the Continent were disturbed in all their industrious pursuits by a series of wars, Great Britain enjoyed, from her geographical situation and commanding harbours, peace at home, and the opportunity of supplying the rest of the world with her domestic fabrics and the produce of her colonies. In defiance of the Berlin and Milan decrees, our manufactures found their way into the heart of Germany and Italy; while, even in France, we clothed the soldiers of Napoleon. Thus, although taxed beyond all possible calculation of endurance, the natural advantages of England and the enterprise of her people enabled her to withstand, in magnificent splendor, the convulsions that shook the Continent to its foundations.

Twenty years of peace have, however, transformed the destructive pursuits of most of the continental nations into occupations of productive industry. The great bulk of their population having, since the general peace, been engaged in agriculture or grazing, the whole are enabled to maintain life at a much lower price than in a country circumstanced like England, where the majority are employed in manufactures, and where the minority are compelled to raise food for the whole, in consequence of what is called the *protection* given to the staff of

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life, bread, by the almost prohibitive duties on corn. We shall hereafter have occasion to exhibit briefly, by reference to a few facts, some pernicious, and, to our manufactures and commerce, alarming effects, now beginning to develope new aspects, the consequence altogether of our corn laws.

France, being a country superior to any other in Europe in regard to her average soil and climate, has rapidly recovered, as all merely agricultural countries do, from the distractions of war. But it must not be forgotten that the wars of France were, except for a short period in 1814 and 1815, aggressive; that her armies made the countries they marched through pay, at least, for their maintenance; that although one-tenth of her healthy male population may be considered as having been killed, or engaged out of the kingdom, the remainder were employed at home,—and, especially, that the peasant women of France have always supplied a greater proportion of field labour than those of most countries. When the allied armies entered France, private property was sacredly respected; and the sum exacted for maintaining the occupation of Paris, although deemed exorbitant by the French, can only be considered a mite, when compared with the spoliation to which the soldiers of the revolution and the empire subjected other countries.

The cultivable soil of France is capable of yielding, at much less expense of culture, more than twice the quantity of produce, and in greater variety, than the lands fit for agriculture in the United Kingdom; while the population amounts only to one-third more, and while the great majority of the whole are occupied in husbandry: consequently France, whatever may be the restrictions and prohibitions of her tariff, can maintain the life of individuals at comparatively little cost, and afford labour at a much cheaper price than England. France, therefore, being capable of raising all the green and white crops, common to both countries, in somewhat greater perfection than England, besides the vine, maize, olive, and mulberry in abundance, is far superior to the latter in the quality and amount of the productions of her soil.

The harbours of France on the other hand are generally shallow, and far inferior to those of England. With the exception of Toulon, Marseilles, and one or two small ports

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in the Mediterranean, they are exposed to the prevailing Atlantic and Channel winds, and therefore afford her fleets no commanding advantage.

France has abundance of coal, iron, and some other minerals; but all inconveniently disposed for general cheap use and transport. Hence the principal elements of power to abridge labour are wanted—coal and iron being only found at a considerable distance from each other, and not interstratified, as in England, where the coal, without the expense of transport, smelts and works the iron, and where the iron, in its turn, is converted into machinery to diminish the difficulty of working the coal mines. With this brief view of the natural advantages of England and France, we will hereafter show how anti-commercially both have legislated.

The gigantic extent of the Russian empire, or *Empire Monstre* (as we have heard a French diplomatist call all the Russias), has magnified her power infinitely beyond reality, in the opinion of other nations. We must bear in mind that by far the greater part (without including her frozen regions) of that monstrous empire is a wilderness, thinly inhabited by a people still living nearly in the savage state,—that her widely-spread dominions, with a small revenue, weaken instead of strengthening her offensive power,—that her ports in the Baltic are frozen up four months in the year,—that of Archangel eight,—those in the Pacific and North America for two or three,—that, although her harbours in the Black Sea are only partially closed by climate, her whole naval power, were it not for the free egress and ingress she has acquired through the Dardanelles, would be locked up for a certain period of every year.

Her climate, with the exception of part of her most southern provinces, will only ripen the common productions of the North; and more than two-thirds of the soil of her vast dominions is occupied by rocks, pine forests, swamps, and sterile deserts. Therefore the national power of Russia has been unaccountably overrated, and the court of St. Petersburgh has acquired all its accessions of territory and influence merely by aggressive policy and by the superior address of a most intelligent diplomacy.

The other great powers of Europe have consequently only to display a determination that the aggressive designs of

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Russia shall be frustrated,—that her secret treaties shall not be acknowledged,—and they may carry their determination peacefully, yet effectually, into execution. Russia is at present too poor and too distracted in her own dominions to quarrel with Christian Europe. England alone might, and the time may not be far distant when England must, put a stop to her profligate career.

The Austrian empire, with fully the same population as France, possesses about equal advantages of soil, climate, and minerals; but a geographical position, in regard to political power and commercial advantages, far inferior. The only maritime part of the Austrian dominions being the *cul de sac* of the Adriatic, her intercourse by sea with other nations is naturally limited; and still more so by her anti-commercial system than by her position. By land, were it not for the same blighting cause, her trade with Turkey and the German states might be carried on with great advantage to herself and benefit to other states.

Morally and politically, Austria, with about the same population and natural advantages as France, is much weaker. France is one nation,—the whole population, with trifling exceptions along the west banks of the Rhine, and the provincial dialects of Bretagne and La Vendée, speak the same language. Every Frenchman considers France the first country in the world, and, generally speaking, himself, if the opportunity were afforded him, at least equal to the first of all Frenchmen. In all great general undertakings, especially war, the whole French nation, unhappily for the rest of continental Europe, is unanimous, full of activity, and fearless of danger. Hence the, otherwise unaccountable, military power of France. Of the whole population of Austria, not more than one-fourth are, strictly speaking, Germans: three-fourths consisting of Italians, Hungarians, Bohemians, Sclavonians, &c., none of whom have common sympathies with each other or with Austria. Throughout her dominions, the grown-up portion of her population is for the most part utterly uneducated*.

Prussia, Saxony, Bavaria, Würtemberg, and the smaller

* Austria is beginning to perceive the folly of her commercial system, and at length manifests a disposition to lower her tariff; to this she is forced by the Germanic Union, by the immensely increased contraband trade, and consequently

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states of North Germany, are morally strong from the population of all speaking the same language, and from all being intellectual, industrious, and economical. The commercial league, which has lately united these states by the firmest of ties, mutual interest, includes a population of twenty-seven millions.

Northern Prussia has few advantages of soil and climate except for grazing and the cultivation of corn. Her Rhenish provinces are abundant in minerals, — the soil generally fertile—and the navigation of the Rhine highly convenient for the transport of all commodities. In parts of Silesia and Posen she possesses great mineral riches, which enable her, as also at Elberfeld, and Crefeld in Westphalia, to carry on extensive manufactures with success.

Having thus cursorily noticed the principal elements of production and power in the states whose commercial systems we intend to examine and compare with each other, we will now take up their respective tariffs of duties on foreign imports.

It would lead us into far too wide an inquiry, were we to enter upon an examination of the reasons, why particular

increased expense of guarding her vast line of frontiers. The policy of the Austrian government is earnestly directed to supply the people with every possible physical enjoyment, and in the same ratio to limit the desire of attaining intellectual acquirement. We have said the *grown-up population*. None can now marry, unless they can first read and write. Taxation presses very lightly upon the population, not amounting to more, direct and indirect, than 2¾ Imperial florins, or 4*s.* 9*d.* per individual annually. The Hungarians pay nothing towards the expenses of the general government, and, in consequence, commodities entering Austria from Hungary are subjected to a duty. Having lately travelled extensively over the Austrian dominions, we were astonished at the extraordinary breadth of separation between the moral constitution of Austria and that of North Germany. The population of the former, generally speaking, have far less ingenuity, little enterprise, no knowledge of men or things beyond the extent of the *gemeinde*, or commune in which they live. They have implicit faith in all their priests tell them; while the government rules all that is *public*, the church, which is well paid, rules all that is domestic; and the priests live more luxuriously in Austria than in any country in the world. The Austrian soldiers obey their officers as if they were performing a religious duty. They will stand to be fired at, and will bear being beaten, and that better than any troops in the world. But until their constitutional character undergoes a thorough change, and until a *spirit of enthusiasm*, and the *hope of reward*, be infused into the army, the active little bronzed soldiers of France will, if ever they be opposed to the Austrians, always beat the latter as completely as they did at Aspern and Marengo.

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commodities, especially in the British and French tariffs, have been disproportionately taxed, or into an exposure of the partiality and injustice which both those monstrous contrivances of oppression render apparent.

Under all despotic governments the general principle of raising a revenue by taxing commodities, was, by levying the highest duties on those articles which were the most absolutely necessary for the common use and support of every individual of the population. In latter times this arbitrary exaction has undergone great though not vital alteration. England has for the last century generally taxed luxuries, as, for instance, armorial bearings, hair powder, carriages, horses, servants, silver plate, and ornaments of all kinds, &c., higher than all other countries. At the same time, imposts affecting the nourishment and health of the people, as taxes upon corn; upon the light of Heaven, under the name of window taxes; upon artificial light in darkness, in the form of taxes upon oil and candles; upon cleanliness, by taxes upon soap; these, at least in their oppressively high rate, are nearly peculiar to England.

The government of England can scarcely ever be said, like that of France and those of some other states, to have monopolized trade for the purpose of raising a revenue: stamps being the only manufactory possessed, and the post-office the only trade managed by the Treasury. The latter, however, is of so peculiar a nature, as to render it injurious to the public interest to leave its management to the chances of public competition.

England and France are the only countries which may be said either absolutely to prohibit the importation of corn, or, by a shifting scale of duties, to lead those to ruin who may have the hardihood to import this most needful of all commodities from foreign lands, when the home price is so high as to seem to warrant a continuance of diminished duties.

In the United Kingdom, the duties on corn, the *staff of life* in all countries called civilized except wretched Ireland, are:—

On Wheat, per quarter, when under	45/	in price . . prohibited.
——————————— price	45/	. . duty . 41/6
Diminishing in duty until the price rises to	60/	when the duty is . 26/8

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And entered only when the price is	73/		duty free.
On Flour, the duty is, to protect the millers, somewhat higher.			
On Barley, when the price is below	16/	per quarter .	prohibited.
——— at	16/	. . duty	. 37/10
Duty diminishing, until price at	20/	. . duty	. 31/10
——— at	30/	. . duty	. 16/10
And at	41/	. . .	. free.
On Rye, Beans, and Pease, price being below	19/	per quarter .	prohibited.
——— at	19/	. . duty	. 40/9
Duty diminishing . . . at	30/	. . duty	. 24/3
——— at	40/	. . duty	. 9/6
——— at	47/		. free.
On Oats, price being . . at	7/11		prohibited.
——— at	8/		. 34/9
——— at	10/		. 31/
——— at	20/		. 16/9
——— at	32/		. free.

Considering the prices of corn in England for the last few years; and it being now demonstrated, by improved and skilful husbandry, that wheat is far from being necessarily a very expensive grain to cultivate, the above duties may be looked upon as equal to prohibition; except in the calamitous event of a dearth in the land, or of a nearly complete failure of corn crops throughout the United Kingdom.

In France, the importation duties on corn of all kinds *(céréales)*, and meal and flour, not only vary in duty according to price, as in England, but also according to each of the *four zones* or lines of customs frontier, into which the boundaries of the kingdom are divided.

The table of these duties occupies *twelve pages* of the French official tariff. From the very small quantity of corn and flour imported for several years past, according to the official returns, and the far more extensive culture of wheat and other grains in France since the war, the duty may also be said to amount to prohibition; but from the greater superficies of fertile soil in proportion to the number of inhabitants, the great majority of whom are employed in agriculture and not in manufactures, and the consequent greater abundance and lower price of corn in France, the evil effects of such prohibition are trifling compared with those produced in England.

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In all the states comprised by the Germanic league, the duty on corn—as wheat, barley, buck wheat, oats, rye, spelt, malt, &c., is per Prussian scheffel, 5 silver groschen or 6*d*., equal to 2*s*. 6*d*. the English quarter.

In RUSSIA, the corn duties are:—

	Per tchevt.* Roub.	Copecks.
Rye, by land (in Silver) .	0 —	20
—— by sea	2 —	0
Wheat, by land	0 —	30
——— by sea	3 —	0
Peas, by land	0 —	30
—— by sea	3 —	0
Oats, by land	0 —	15
—— by sea	1 —	50
Barley, by land	0 —	20
——— by sea	2 —	0
Buck Wheat, by land	0 —	15
——————— by sea	1 —	50
Millet, by land	0 —	25
——— by sea	2 —	50
Turkey Corn (maize), by land	0 —	20
——————— by sea	2 —	0
Lentils, by land	0 —	30
——— by sea	3 —	0
Beans, dry, or French beans, and others, with the exception of those separately named, by land	0 —	30
——— by sea	3 —	0

In AUSTRIA, the corn duties are:—per centner, about 124lbs. English—say two bushels,

	Kreutzers.		Per Quarter.
On Wheat	22½	or	3/
On Indian Corn	17	„	2/3½
On Rye and Buck Wheat	16	„	2/2½
On Barley and Oats	15	„	2/1

Next in importance to BREAD is SALT, and the latter commodity alone, of the absolute necessaries of life, except perhaps water, the people of England have had untaxed and at a remarkably cheap price for several years. The happy effects which the repeal of the salt laws have produced give in a small degree an example of the salutary consequences which would attend a repeal, or at least considerable reduction, of the corn duties.

* The tchevert = 5.952 English Winchester bushels. The rouble of 100 copecks is calculated either in silver or paper; if the first, then about 2*s*. 11*d*. sterling; if the second, about 10*d*.

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In FRANCE, AUSTRIA, and the STATES of the GERMANIC LEAGUE, the salt mines and springs—its manufacture, and its sale, belong solely to the respective governments,—its importation is prohibited, with the exception of rock-salt into Prussia, which is admitted for the purpose of being refined at the royal manufactories.

In RUSSIA, the importation duties on salt, are:—

	*Per Poud**. *Roub.*	*Cop.*
Ammoniac Salt, not purified	1 —	0
——— purified or in powder	2 —	0
Kitchen Salt (*Povarennaya*) of all sorts, by the ports of the governments of Esthonia, Livonia, Courland, town of Narva, and by the customs of Jauerogen, Polangen, and Yourbourg	0 —	25
——— by the ports of the governments of Saint Petersburgh and Archangel, and the customs by land	0 —	35
——— by the ports of the Black Sea and Azoff, not excepting that of Odessa	prohibited.	
To this article is assimilated, Mineral or Rock Salt.		
Saturnin Salt	1 —	50

WOOD is a necessary of the utmost consequence to the population of every country; yet, the duty upon pine timber, the most useful of all, on importation into England from foreign countries, has been kept, up to the present time, at 55*s.* per load of 50 cubic feet; this enormous rate—more than 200 per cent. ad valorem—is kept up to serve the interests of, comparatively speaking, *a few merchants dealing with British North America;* yet this commerce, from the manner in which it is conducted in the colonies, is far from being so highly beneficial to that portion of the empire, as it would be were the duty on foreign timber reduced. This was clearly proved by the evidence last taken before the Committee of the House of Commons. The timber business, in New Brunswick and Canada, from being maintained on a system of usurious credit, is as pernicious to the farmers who engage in it as a lottery, and too often ends in their ruin, or by enslaving them to the merchant or other person who furnishes them with the usual supplies†.

* The poud is equal to 30 lbs., 10 ounces, avoirdupois, and the berkovetz to 10 pouds.

† See evidence of Mr. Hume of the Board of Trade, of Mr. Warburton, Mr. M'Gregor, &c. See also article on Timber Duties in No. IV. of this Review.

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In FRANCE, the duty on timber is about 10*d.* per load of 50 English cubic feet.

In the GERMAN STATES and AUSTRIA, 1*s.* 6*d.*

In RUSSIA, wood in any way manufactured is generally prohibited; and, in squared or round logs, the table of duties is remarkably minute, and, considering the abundant forests of Russia, extremely high. The scale of duties was, however, framed chiefly to prevent the importation of timber from Poland, but made general in order not to appear oppressive.

From this view of customs' duties on the more immediate necessaries of life, corn, wood, and salt,—(taking for granted that every country naturally possesses within its immediate reach, a fair proportion of either animal food or fish), we will now proceed to notice the importation duties on the mineral productions, which are necessary to cultivate the earth with skill, and which are required either as materials, or as implements, in the arts, in agriculture, and manufactures.

IRON, the most common yet most useful of all metals, is so abundant in England, that the duty, like that on timber in Russia, is of little importance to the nation: although Swedish iron is supposed by many, but doubtfully so, superior in toughness and ductility to that of England, while others contend that the best English iron is even of better quality than Swedish*.

The duties on foreign wrought and unwrought iron, brass, copper, lead, pewter, tin, and coal, imported into the UNITED KINGDOM, are:—

		£.	s.	d.
Iron in bars, or unwrought	per ton	1	10	0
—— the produce of, and imported from, any British possession	ditto	0	2	6
—— Slit or hammered into rods, and iron drawn or hammered less than ¾ of an inch square	per cwt.	0	5	0
—— Cast, for every 100*l.* of the value	value	10	0	0
—— Hoops	per cwt.	1	3	9
—— Old broken iron, and old cast iron	per ton	0	12	0
—— Ore	ditto	0	5	0
—— Pig iron	ditto	0	10	0
—— the produce of, and imported from, any British possession	ditto	0	1	3
—— Chromage of iron	ditto	0	5	0

* That the best British is at least equal to any foreign iron is probably true, as the finest Newcastle steel is well-known to be the very best for edge tools.

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		£.	s.	d.
Iron, Wrought, not otherwise enumerated or described, for every 100*l.* of the value . .	value	20	0	0
Brass, copper, and bronze, manufactures of .	ditto	30 per cent.		
Pewter, tin, and lead, manufactures of . .	ditto	20	ditto	
Copper, unwrought	per cwt.	27	0	0
——— hammered in rods, bars, or ingots . .	ditto	35	0	0
Coal	per ton	40	0	0

In France.

		frs.	*c.*
Iron, mineral, rough or washed—chromate of iron	per 100 kil.	0	10
——————————sulphuret & others	ditto	0	10
—— Cast, unwrought, in mass, pigs, or pieces of 25 kil. at least, by sea	ditto	9	0
——————————— by land, from the sea to Blanc Misserou exclusively .	ditto	—	
——————————— by land, from Blanc Misserou to Saint Menge inclusive .	ditto	—	
——————————— by land, by other frontiers	ditto	—	
——————————— all other sorts . . .	—	prohibited.	
——————————— purified (called mazée) .	ditto	12	0
——————————— moulded, for war projectiles	—	prohibited.	
——————————— all other articles	ditto	ditto.	
—— Forged, in masses	ditto	ditto.	
—— Bars, flat, less than 213 millimètres . .	ditto	50	0
——————— from 213 to 458 ditto . . .	ditto	36	0
——————— 458 m. and above	ditto	25	0
——————— square, less than 15 millimètres . .	ditto	50	0
——————— from 15 to 22 ditto . . .	ditto	36	0
——————— 22 and above	ditto	25	0
——————— round, less than 15 millimètres . .	ditto	50	0
——————— of 15 and above	ditto	36	0
—— Tin	ditto	70	0
—— Sheet iron, or thin plated	ditto	40	0
—— Wire	ditto	60	0
—— Worked, or works in iron, iron plate . .	—	prohibited.	
—— Old iron, (all sorts)	—	ditto.	
—— Scraps and filings	ditto	0	10
—— Dross of iron, by sea	ditto	1	80
——————— by land, from the sea to Soire-le-Château, exclusive	ditto	—	
——————————— from Soire-le-Château to Rocroy inclusive	ditto	—	
——————————— by other frontiers .	ditto	—	
Copper, raw, cast in pigs	ditto	1	0
——— hammered or flattened	ditto	80	0
Brass, or Copper mixed with brass, common, unpolished	ditto	100	0
——————————————————— polished but not wrought	—	prohibited.	

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		frs. *c.*
Copper or brass, beaten, drawn, or flattened .	per 100 kil.	286 0
——— wrought, common . . .	ditto	950 0
——— ——— fine	—	prohibited.
Lead, unwrought	ditto	7 0
—— mixed, or pewter, wrought	ditto	26 40
Tin. The same duty as iron.		
Coal, per ton, according to sea frontier by which imported	ditto	30 to 60 cents.
——— ——— ——— ——— ———	or per ton	15 to 30 francs.

In Russia.

		roub. *cop.*
Iron, all kinds, wrought and unwrought, except scythes and sickles with steel blades, at 9 copecks the lb.; and saws, files, rasps, combs, wool and other cards, and instruments and machinery required in manufactures, trades, and mills—admitted at 1 rouble the poud	—	prohibited
Steel, unwrought	per poud	1 0
—— Shears, for shearing wool only . . .	—	free.
—— Razors, pocket penknives with common handles, tailors' scissors, steel busks for stays, cork-screws, movements for coffee-mills, tweezers, steel worms for taking out bullets, and little steel saws, all unornamented with ivory, mother-of-pearl, or any precious metal	per poud	0 80
—— All other kinds	—	prohibited.
Copper, ore	—	free.
——— unwrought	per berkovez	5 0
——— wrought	—	prohibited.
Lead, unwrought, in pigs	per poud	0 2½
Brass, lead, tin, pewter, zinc, and all other metallic mixtures	—	prohibited.
Pit coal, charcoal, and turf	—	free.

In Austria, the duties are per centner = 124 lbs. English.

		*fl.** *kr.*
Iron, raw or in pigs	per centner	2 24
—— Cast, wares of	ditto	5 24
—— Hammered, in bars or rods	ditto	6 0
Steel, cast	ditto	3 20
—— Hammered	ditto	7 12
—— Wrought, ordinary	ditto	12 0
——— fine and polished	ad valorem	60 per cent.
Brass, and compositions of, in pigs . . .	per centner	8 20
—— in plates, rolled or bars	ditto	13 20
Pewter and tin, wrought	ad valorem	60 per cent.
Copper, raw	per centner	0 50
——— Wrought	ditto	10 0

* The Austrian florin of 60 kreutzers, = 2*s.* sterling.

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		fl.	kr.
Lead, raw	per centner	6	18
—— Cast, as balls, &c.	ditto	7	12

In the STATES of the GERMANIC LEAGUE, the duties are per centner = 113 lbs. English.

		th.*	gros.
Iron, raw or cast	per centner	0	15
—— hammered	ditto	1	0
—— wares, cast	ditto	3	0
—— plates and wire	ditto	3	20
—— all ordinary kinds of iron wares	ditto	6	0
—— fine and polished, all sorts of iron and steel	ditto	10	0
—— mounted with precious metals	ditto	55	0
Brass, copper, lead, pewter, and tin, wrought or unwrought, the same, with scarcely any variation, as iron.			
Coal, 4 groschen per centner, or	per ton	2	20

When we consider the general usefulness of the common metals, enumerated in the foregoing statements of Comparative Duties, in promoting ingenuity, and in multiplying the products and the value (not the time-price) of labour;—when we estimate the vast quantity of iron required in agriculture alone —the impossibility of skilful husbandry without good ploughs, harrows, and all other improved implements which can only be made cheap for general use when iron can be had at the lowest labour price, we cannot but condemn the ignorance or wickedness of those governments which have taxed the common metals, either for the purpose of revenue or with a view to particular interests.

We have, since the revolution of 1830, travelled over the greater part of France: we have made the actual state of agriculture and the manner of cultivating the land a subject of special inquiry. The natural fertility of the soil astonished us; but the mode of husbandry astonished us more. We have examined works on the agriculture of that country, with plates representing the ploughs and other implements used before the revolution of 1793. We have also compared with the present, Arthur Young's Account of Agriculture in France, when he travelled in 1789, before the first revolution; and we honestly declare that to us there appears scarcely any improvement during a period of forty years.

It is true there is a *Royal Ferme modèle* (the expense of

* The Prussian thaler of 30 groschen, = 3*s.* sterling.

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maintaining which is twenty times more than the value of its produce) established, a few leagues from Paris, by the government. At this *puny* scientific school for agriculture, we find *a few* ploughs and other implements of husbandry, made after the very best English and Scotch models. Baron Rothschild has also a *Ferme modèle*, a few posts south of the French capital, and most admirable it is. The late excellent Duc de la Rochefoucault-Liancourt and the more famed Lafayette introduced on portions of their estates the most approved implements of husbandry, and the best breeds of horned cattle and sheep; but is it possible for the small farmers, comprising nearly the whole rural population of France, to follow the example of the government, of Rothschild, of Rochefoucault-Liancourt, or of Lafayette, who could afford to pay for iron and implements at the highest prices? Before the peasantry of that fertile country can ever make the land they cultivate produce the vast crops it is capable of yielding, they must have cheap iron to make good implements of industry—to replace the annual wear and tear of those implements—and to supply the place of those worn out by new. We have admitted that France yields so much greater a quantity of agricultural produce than England that her people feel but slight pernicious effects from the operation of her corn laws. True; but if the earth were made as prolific as it is capable of being rendered by superior skill and improved implements, they would not only experience scarcely any evil consequences at all from prohibitive corn duties, but they would maintain themselves, and feed their manufacturing population much cheaper, and consequently have a greater abundance of those articles which they require in exchange for the produce of the soil.

This is far from all; for, notwithstanding the boasted gallantry of the nation, there is not on earth a country, excepting perhaps the slave States of the American Union, in which the women, exclusive of all the drudgery of nursing children and in-door work, are subjected to more continual toil in field-labour than in France. Multiply the mechanical means of performing labour, and you will not only relieve the women from a great portion of that out-door drudgery at all seasons, which wears out their substance and gives them that bony shrivelled look

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of premature old age, so general among the French peasant women,—but the discomfort and slovenliness so remarkable in a French cottage, from the little attention which the wives and daughters are allowed to bestow upon it, will disappear, and be replaced by that order and cleanliness which is so pleasing in the cottages of England, Belgium, Holland, Saxony, a great part of Old Prussia, and in most parts of Bavaria, Würtemberg, and Baden.

France, at all times, has been grievously taxed in respect to the first necessaries required by her population. We have only to refer to the writings of the great and excellent Turgot, and to the work of Neckar on Finance, to have this more clearly elucidated, during the ancient régime.

Of all the materials required by the people of France,—iron, salt, and fuel, the most necessary, have also been the most difficult for them at all times to obtain. The odious gabelle, or salt tax, was said to have been the principal grievance which irritated the people to rise in the first revolution. Salt, however, is still a royal monopoly. Iron, so cheap in England, is, to prop up the working of French mining and other private interests, almost prohibited. Coal, although scarce, dear, and much wanted in a country where a peasant cannot cut down a tree growing on his own land without permission, is heavily taxed on importation. In short, the importation duties enacted in France are tyrannical and oppressive; and although we are opposed to all forms of government, except those under which legislative assemblies represent the true interests of the nation, we can scarcely dispute what we heard a Prussian statesman utter a few months ago, when denying that his government was absolute.

"The King of Prussia and his ministers," said he, "have not, it is true, a mask to shield them in their acts from that awful moral responsibility they owe to the people. The French king and ministers on the other hand can, by means of a pretended representative legislation (which, from the very limited number of electors, and the very extraordinary number of appointments in the gift of the crown, may be said to be elected by the ministry themselves), produce a legal justification for their deeds, however arbitrary. All France is covered with administrations which centralize in Paris. All Prussia is covered with elective municipalities which manage their own local affairs independently of Berlin. Every town in France has its particular customs, or *octroi* dues, exclusive of the great national customs, to levy duties on bread, wine, and meat.

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We have now only one establishment of customs for nearly all north and central Germany. From the frontiers of France, Belgium, or Holland, you may traverse, with whatever you have, all Germany to the boundaries of Switzerland, Austria, and Russia. We have our elective provincial assemblies, and although our king has the prerogative, no Prussian monarch ever will impose a tax, or make a law that is not recommended or approved of by the provincial states*. We are endeavouring to become a more intellectual,—a more industrious,—a more manufacturing people;—we keep up a standing force to be prepared for defence, and not for aggression;—we have a *land-wehr*, at all times ready, to protect the soil that nourishes them;—France has a national guard to suppress *émeutes*, and to guard the tribunals of law, and the funeral processions of public men, when they cease to act. The torrents of blood that two revolutions have caused to flow, have, in respect to France, only established greater despotisms than those they overthrew. Intellectual Germany has not, depend upon it, any anxiety to follow the example of France in revolutions, or in legislation. Moral force alone will be sufficient to produce the necessary reforms among us."

Who can fail to be impressed with the force, although he, like ourselves, may not altogether agree with the truth of these remarks?

Russia may be said to prohibit the importation of every material which can be drawn, by the labour of her serfs, from her mines and forests; and of every manufacture that the labour of those slaves, with the aid of improved machinery, either imported or made in the country, and directed by skilful masters (many of whom are foreigners) can produce. We therefore need say little further relative to her prohibiting,

* We take the liberty of recommending to the consideration of this patriotic Prussian, the following remarks, translated from Professor Dahlmann's admirable work, "Die Politik," p. 157. "Whoever asserts that provincial estates, unaccompanied by states-general, are perfectly sufficient, must fancy that the days of *provincial finances* and *provincial debts* are still in existence. In the present condition of affairs, every object of deliberation of the slightest importance stretches far beyond the limits of the individual province; and mercilessly is the inquiry which thus seeks to force its further way, headed and checked, wherever it has no means of propping itself upon a declaration of the states-general. When in the second meeting of the Silesian estates, in the year 1828, that body complained of excessive taxation, relative and absolute; it was circumstantially proved to them, as far as square miles and population can settle such a point, that they were not called upon to pay too much in proportion to other provinces. As to the question of '*absolutely too much*,' they received a hint, that the decision of how much was required for the necessities of the state, was a matter not at all within their competence. And no doubt, this was perfectly true; but still, are not they in the right, who contend that provincial estates are no equivalent for states-general?"

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or laying heavy duties on, the common metals of foreign countries*.

In Austria, the duties on the common metals, although trifling in comparison with the prohibitions and high duties of France, allow but little importation from foreign states; and the mines, especially those of Styria and Bohemia, yield metals, particularly iron, at a tolerably low price, and of the best quality.

In the states of the Germanic League, although their mines afford the common metals in tolerable abundance, the duty, especially on raw and hammered iron, appears moderate; and nothing strikes us more forcibly, on passing from France

* Several discriminating alterations have been made in the general tariff of Russia in regard to Poland, chiefly with the view of favouring the manufacturing industry of the former at the expense of that of the latter. These alterations have been published in the official *Gazette du Sénat*, Saint Petersburgh; and in the official Gazette of Warsaw, *Dziennik-Powszechni*, agreeably to the ukase and ministerial orders of 12th November, 1831; 13th, 27th, and 30th December, 1833; 1st October, 1834, and 17th June, 1835, together with various customs regulations.

From these it appears that the importation of the following articles into Poland is totally prohibited, except through Russia, and in some instances by special licence from the supreme department of customs at St. Petersburgh, on paying from 250 to 450 per cent. *ad valorem* duty.

Animal and all essential oils and perfumery.
Apparel, wearing, (except what may be actually necessary, and carried along with travellers.)
Beer, cider, and all fermented liquors.
Bronze works, all kinds.
Cards, playing.
Carriages, all kinds.
Cheese.
Chicory.
Coral, raw or wrought.
Clocks, watches, or other time-pieces.
Earthenware and porcelain, painted or in any way ornamented with colours.
Embroidery, every description of.
Fruits, dried, or otherwise preserved, and all sweetmeats and confectionary.
Glass, plain, stained, or painted (except mirrors).
Gloves of every description.
Hops and essence for making beer.
Household furniture of every description.
Imitation articles of jewellery, coral, pearls, &c.
Iron and articles of iron.

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into the Grand Duchy of Baden, than the sudden transition from rudeness in the former, to the improvement in the agricultural implements used in the latter country; and this entirely owing to the difference in the price of iron. In fact, there are few parts of England more skilfully cultivated than Baden. There, they have agricultural societies, ploughing matches, and cattle shows, as in England and Scotland.

In regard to raw materials, or dye-stuffs, required in arts and manufactures, England, with the exception of timber,

Leather.
Liquors (spirituous, vinous, or sirops).
Meats, salted or otherwise cured.
Millinery.
Oil cloth and waxed cloths of all kinds.
Ornamental articles and boxes of *papier mâché*, leather, feathers, gilded wood, or metal.
Pens and quills.
Phosphoric boxes, for lighting fire.
Pinchbeck articles.
Plated articles.
Saddlery.
Salt.
Skins, all kinds.
Soap.
Spirits, distilled, all sorts (except spirits of wine, rendered undrinkable by specific mixtures).
Steels, for striking light.
Tea.
Tin, and articles made of tin.
Tobacco, raw and manufactured.
Umbrellas.
Vinegar.
Worsted, plain and ornamented.

Articles, the exportation of which are prohibited:—
Acorns, rough or ground.
Asses and mules.
Bark, all kinds, for tanning.
Horses.
Minerals, all kinds, after the 31st Jan. 1836, and until then on paying a duty of 5 gros per 35 *garniec*.
Money, gold and silver, of Russian coinage.
Paper, and all materials for making paper.

The trade between Russia and Poland, and the internal trade of the latter, have been subjected to various impositions and strict surveillance, the effect of which has been the removal of numerous manufacturers (chiefly Germans) who were settled in Poland, to Russia, where much encouragement has been held out to them, especially at Moscow, Riga, and various parts of Courland.

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generally imposes but a trifling duty. On cotton wool, sheep's wool, and all dye-stuffs, it would be wise policy to remove even those duties; and we were happy to observe that the reductions so judiciously proposed on several articles by Mr. Poulett Thomson last session, were carried with little opposition in the House of Commons.

France, as if vain enough to believe she can produce every article under heaven, natural and artificial, within herself, taxes even raw materials, such as cotton wool, flax, hemp, and sheep's wool, extremely high. A few raw gums and a very few raw dye-stuffs are admitted at low duties, but generally all pay heavily; and some for no apparent purpose, if it be not to force the use of madder in producing the horrible red colour of the trowsers of the military. All chemical productions are either prohibited altogether by the French tariff, or taxed enormously high.

Russia, for the purpose of supplying and carrying on her manufactures, permits the importation of antimony, bristles, bullock's, cow's, and horse's tails, bark for tanning, coral, canes or Indian reeds, osiers and reeds for baskets, cotton wool, crucibles for smelting, precious stones not polished, earth for porcelain, enamel in cakes or powder, flax and hemp, horse hair and the hair of all animals, horns of elks and all other animals, hare skins, ore of copper and iron, lymph of sheep, monies and medals, maps and charts, globes, mathematical, optical, astronomical, and agricultural instruments, newly-invented

The ministerial order of 13th March 1833 fixes a transit duty on all kinds of timber, whether cut within or without the limits of Poland, brought down the Vistula to Warsaw (*i. e.* on staves, planks, deals, spars, masts, square timber, joints. Their duty varies from ¼ of a Polish gros, or ¼ a copeck, on a single stave, to 2 florins Polish, of 15 copecks, on a mast. The amount of duty so collected goes towards maintaining the Russian municipal administration of Warsaw. From the latter town downwards on the Vistula there is no transit duty on wood; but the above is considered a great burden by the timber dealers of Poland.)

The order of 13th Dec. 1833 imposes a duty of 3 silver copecks per lb., on all surgical instruments made in Poland, on being imported into Russia.

January 31, 1834 an order was issued which fixes 6 silver copecks per poud on brimstone imported from Russia into Poland, and 8 silver copecks per poud on the dye-stuff called *czerles* (mamia).

June 8, 1835 a customs order fixes a duty on hand organs imported from Poland to Russia, at 9 silver roubles.

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machinery and models of machines, mules, pearls (rough), rags (all sorts), raw silk, skins and furs imported by Russian merchants, stones required in the arts, and seaweed, FREE.

Cotton twist, still required by her, and sheep's wool are admitted at small nominal duties.

Austria permits the importation of foreign articles absolutely necessary for her manufactures, particularly indigo and other dye-stuffs, at very moderate duties.

The states of the Germanic Union allow the importation of all raw materials for manufactures at a general duty of 15 groschen, or 1*s.* 6*d.* per centner of 113⅓lbs. English, and even chemical preparations and painters' colours at a general duty of 3 thalers 20 groschen or 11*s.* sterling per centner.

We will now offer a few remarks on the duties levied on the importation of commodities usually distinguished by the classification of colonial produce.

In this, England has displayed another glaring example of partial legislation. The following duties are levied:—

	£.	s.	d.	
Sugars, not refined, from the West Indian colonies, pay a duty of	1	4	0	per cwt.
——— from the East Indies	1	12	0	ditto.
——— refined	8	0	0	ditto.
——— from foreign countries	prohibited.			
Spirits—Rum, from British possessions	0	9	0	per gallon.
——— from foreign countries	1	2	0	ditto.
Coffee, from British colonies, not within East India Company's limits	2	16	0	per cwt.
——— within East India possessions	4	4	0	ditto.
——— foreign places in the East Indies	5	12	0	ditto.
Indigo, from British possessions	1	8	0	per lb.
——— from foreign possessions	1	17	0	ditto.
Tea—minimum duty	0	1	6	ditto.
—— maximum duty	0	3	0	ditto.
Tobacco, from British colonies	0	2	9	ditto.
——— foreign colonies	0	3	0	ditto.
——— manufactured	0	9	0	ditto.

France admits colonial produce as follows:—

	France.	
Sugar (to protect her beet-root growers at home), raw	52	per 100 kilog.
——— refined, in any manner	prohibited.	
Spirits—Rum, arrack, and ratafia, and spirits distilled from cherries	200	per hectolitre.
——— pure alcohol, distilled from wine	50	ditto.

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	frs.	
Spirits, pure alcohol from grain, potatoes, or berries	prohibited*.	
Coffee, from French colonies beyond the Cape	50	per 100 kilog.
——— not beyond the Cape	60	ditto.
——— from foreign countries	105	ditto.
Indigo, from countries out of Europe, in French ships	50	ditto.
——— in foreign ships	400	ditto.
Tea, from India, in French ships	150	ditto.
—— from other parts	500	ditto.
—— in foreign ships	600	ditto.
Tobacco, for the manufactories of the government, in French ships	free.	
——— in foreign ships	10	ditto.
——— for the use of private individuals, in leaf or prepared	prohibited.	

Russia admits or prohibits :—

	Roub.	*Cop.*	
Sugar, raw, by sea only	2	80	per poud.
——— refined in any degree	prohibited.		
Spirits—Rum, brandy, arrack, ratafia, and all pure spirits, 10 degrees above common proof, but not liqueurs or spirituous infusions	25	0	per anker
Coffee	6	0	per poud.
Indigo, not powdered, in lumps	4	0	ditto.
——— in powder	prohibited.		
Tea, all sorts	ditto.		
Tobacco, in leaf, all sorts	5	0	per poud.
——— without stems	10	0	ditto.
——— for smoking—shag or Turkey	0	20	ditto.
——— all sorts	0	40	ditto.
——— Snuff	1	20	ditto.

Austria admits colonial productions—

	Fl.	*Kr.*	
Sugar, raw and refined, for consumption†	21	0	per 124 lbs.
——— raw, for refining	14	0	ditto.
Spirits, distilled—in casks	13	21	ditto.
Coffee	21	0	ditto.
Indigo	7	20	ditto.
Tea	11	36	ditto.
Tobacco, in leaf	15	0	ditto.
——— manufactured	40	0	ditto.

* So in the tariff; yet Hollands gin, eau de Dantzig, enters France, by special permission, on paying duty as on rum.

† It is probable that on the 1st of January, 1837 the duty on sugars in Austria will be reduced to half the present amount; such at least is the ministerial promise. Duties on spices of all kinds have been greatly reduced, by the ordinance of the 27th of August, 1836; also on foreign wines, fire engines, and hats, to about half the former imposts.

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The States of the Germanic Union permit the importation of—

		Th.	Gr.		£.	s.	d.	
Sugar, unrefined . .	at .	5	0	or	0	15	0	per 113½ lbs.
——— refined . . .	.	11	0	„	1	13	0	ditto.
Spirits, distilled, all kinds	. .	0	21	„	0	2	2	per English gallon.
Coffee	. .	6	20	„	1	0	0	per 113½ lbs.
Indigo, and all dye-stuffs	. .	0	15	„	0	1	6	ditto.
Tea, all kinds, from China	. .	11	0	„	1	13	0	ditto.
Tobacco, leaf . . .	. .	5	15	„	0	16	6	ditto.
——— manufactured	. .	11	0	„	1	13	0	ditto.

Having thus, as fully as our limits permit, enumerated the leading items of the articles of first necessity, and those of colonial produce, &c. chiefly required in Europe, we will now briefly notice the duties or prohibitions to which leading manufactured commodities are subjected in the tariffs of the respective states we have introduced.

In England we have been long in the habit of declaiming or murmuring against the duties imposed on our fabrics, on their importation to the continent of Europe, and have of late been especially angry with the Germanic Union of Customs. How far we may consider the power of that confederation as politically favourable or dangerous to British interests, we will not in this article delay our readers to consider, contenting ourselves with referring them to an article expressly directed to that subject, in our second number; but we may very easily show that the tariff of the Germanic league is by far the most liberal of the five we have brought into comparison with each other; although its provisions are directed to the exclusion of the most important articles of British manufacture.

In the British Tariff, the duties generally range on all goods manufactured of wool, cotton, flax, hemp, or silk,—of iron, and other common metals, from 20 to 40 per cent. *ad valorem.*

In France, all manufactures of cotton, silk, flax, hemp, wool, glass, and the fine and common metals, are either prohibited in toto, or burdened with duties of from 100 to 500 per cent. *ad valorem*, with the exception of some articles of brass and bronze, also a few articles of hardware *(quincaillerie)*, the estimated duty on which, according to value in weight, is 40 to 100 per cent.

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Linens of certain descriptions—duty, very lowest..... 28 per cent.
——————————————maximum 160 ditto.

British manufactures of not very heavy weight can, however, in any quantity, be always purchased at Paris, through certain private agents, at not more than 20 per cent. over the London price. So much for high duties and prohibitions, which never will prevent, in any country, the importation of articles of luxury, and when laid on articles of necessity must be considered a tax on national industry rather than on the mere commodity, for raising a revenue.

In Russia, manufactures of all kinds, except those required for arts, or as machinery &c., for the use of manufacturers, are prohibited; the articles absolutely excluded by her Tariff amounting to about 300.

In Austria, the duty on manufactured brass, woven cottons, and woollens, porcelain, fine ironmongery, tin, and pewter, is 60 per cent. *ad valorem*. There are some exceptions in respect to instruments and machines. Linens and silks are from 50 to 200 per cent., the duty being levied by the pound weight. The duty on wrought copper, as boilers, kettles, &c., is about 10 per cent. *ad valorem*.

In the states of the Germanic League, the basis of all the duties was fixed at 15 groschen, or 1*s.* 6*d.* sterling, per Prussian centner of 113⅓ lbs. avoirdupois; half or more of the articles in the tariff are at this minimum duty, and it varies on the value of commodities generally, from 2 to 6 per cent.: 10 per cent. was the average value assumed for the whole tariff, but weight and not value being the standard adopted to levy the duty, the *ad valorem* rate can never strictly apply. Generally, however, the duty on all manufactures of iron, brass, bronze, copper, and hardware; never exceeds 10 per cent., and on fine cutlery not more than from 2 to 5 per cent.

In respect to British woven goods, except on those of very fine quality, the duties levied by weight amount to a prohibition, for consumption, within the States of the League; viz:—

		Thalers.	£.	*s.*	*d.*		*Per cent.*
On all woven cotton manufactures,	per centner, .	50 .	7	10	0	=	20 to 75
On all woollen woven cloths . .	ditto .	30 .	4	10	0	=	5 to 70
On all woven silk goods . . .	ditto .	110 .	16	10	0	=	10 to 20

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Having thus quoted the comparative duties on leading commodities in the tariffs of our text, we must refer our readers for more detailed *minutiæ* to the respective tariffs themselves: having stated quite sufficient to give a fair comparison of the commercial legislation of England, France, Russia, Austria, and the German states.

In noticing the high duties levied on manufactured articles on their importation into any of the above countries, the object of imposing those duties cannot be considered as for the purpose of augmenting the revenue; for moderate duties always produce the greatest income, from the consequent, far more than proportionably increased, consumption. The object is, therefore, either political ascendancy, prohibition, or raising the price of foreign commodities so high, that domestic fabrics can enter the market with greater advantage.

This narrow and false view of legislation forms an irresistible premium for smuggling, as in France* and Russia, or a burden on the whole community, as in the Austrian do-

* It is remarkable in regard to our commerce with France, that notwithstanding the customs' return for the ten years, ending 1834, give per annum an average declared value of British and Irish produce and manufactures exported to France (with a population of 34 millions) of only £.515,585 18*s.* 0*d.* about one-sixth of what we exported annually, for the same period, to 28 millions of Germans;—and that the exports from France to England exceed, on an average of ten years according to the French customs' returns, in which goods are notoriously undervalued, more than four times the amount of official imports from England; yet, the course of exchange has always been, since the war, in favour of the latter, and the demand for bills on England must be to pay for an excess of imports into France (by smuggling), over exports (either by fair trade or otherwise) to England. This is still the more remarkable as the French, either as residents or visitors, spend in all but little money in the United Kingdom, while the English living in France, or visiting that country temporarily, are, at all times in the country, according to the police returns, upon an average somewhat over 50,000. All these draw bills on England or bring money with them to pay their expenses in France. Suppose each individual spends the average amount of £.80 per annum, and this calculation is low, the whole sum of money (the representative value of the produce of British labour by which France benefits) amounts to £.4,000,000!

It would lead us too far to examine in what manner this enormous sum, if laid out in the United Kingdom instead of in France, would affect industry in England. Abrogate the corn laws and, probably, more than half of the four millions would be spent in the United Kingdom, and landlords would certainly live less abroad and more among their tenants. At the same time we do not expect that landlords in general will agree with us in recommending this change.

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minions and in the states of the German league, in which latter, taking the whole population of nearly 26 millions, not more than one million are in any way employed in manufactures. Even in Saxony, where a far greater portion of the people have been long engaged in the cloth, linen, and for some time past in the cotton manufactures, so well did the legislators of that intelligent country consider the disadvantage to which high duties would subject the whole population, in comparison to any benefit manufacturing individuals would derive from taxing foreign commodities, that before that kingdom was forced into the league, the duties were:—

	Th.	Gr.	
On woven woollen goods, only, per centner .	2 to 6	0	= 6/ to 18/
On woven cottons . . . ditto .	3	0	= 9/
On woven silks . . . ditto .	3	18	= 11/3
On woven linens . . . ditto .	0	12	= 1/6 *

Saxony and several other states, on joining the league in 1833, were opposed to the high duties in the Prussian tariff, wisely concluding that any artificial protection given to manufactures would be disastrous to their prosperity whenever that fictitious aid should be withdrawn.

Prussia, however, having secretly purchased the customs of Hesse Cassel, united her eastern and western dominions, and extended a double line of *douaniers* between the rest of Germany and the sea. It is true that the navigation of the Rhine could not be closed, but Holland (in defiance of the spirit of the Treaty of Vienna) confined the outlet of that river to her own vessels; and Russia, France and Austria, by their high duties and prohibitions, closed the markets of those countries for the sale of German fabrics, except by smuggling, which is still carried on extensively through Galicia into Russia, and in many articles, especially fine linens and tobacco, over the Rhine into France.

It was those circumstances, notwithstanding the extreme jealousy with which Bavaria and Würtemberg (who had previously entered into a compact of their own), and Saxony, viewed and still view Prussian ascendancy, that forced those

* The Saxon thaler of 24 groschen = Prussian of 30. Hence 4 Saxon, and 5 Prussian, or silver, groschen = 6 pence.

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states to adopt the tariff, and join in a league with that secretly watchful and intelligent power*.

From the moment that Prussia had stretched her authority over Hesse Cassel and Hesse Darmstadt, she considered herself secure in dictating as she has successfully done, to the other states of Germany, and consequently paralysing the power of Austria in the Diet.

Germany has, at all times, afforded the most ready market and the quickest payments for British fabrics, having taken for many years at least one-tenth part of all our exported manufactures. The tariff, adopted by twenty-six millions of Germans, effectually prevents the sale for consumption of the cotton and woollen manufactures of England; those now exported being altogether sold at the fairs for transit to other countries, especially to the jews of Brody to be smuggled into Russia.

What under these circumstances is to be done? Shall we endure tranquilly the loss of the German markets? Will Prussia reduce the duties on our woven cottons and woollens, in consideration of our reducing the duty of 55*s*. per load on timber to 40*s*., as recommended by the parliamentary committee?—No: Prussia will not! She knows well, that in excluding our leading manufactures lies the only power she has of compelling us to reduce our corn duties to a moderate fixed rate. Compel us she will to reduce those oppressive duties, or a majority of the legislators of the United Kingdom will prove themselves a body of the most stupidly selfish persons in the world, should they persist in maintaining the pernicious system of our corn laws in their present form.

Prussia and most of the German states are essentially corn growing countries. The inhabitants eat their bread at half the *labour price* that those of England do; and while we exclude corn from Germany, the evils that burthen the national industry are not alone the compelling our population to buy (when they have money to do so) dear

* Prussia has been, during the first six months of the present year, endeavouring to negotiate at St. Petersburgh for a removal of prohibitions and a reduction in the duties on fabrics of Prussian manufacture, on entering Poland and Russia. We can, on good authority, state that the overtures of Prussia have been quite unsuccessful.

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bread, nor yet the exclusion of our manufactures from the German markets: we are at the same time forcing rival manufactures into extraordinary prosperity, by making the agriculturists of the continent, from want of a foreign market, sell their corn, for bread and for malt*, cheap, to be eaten at home by their manufacturers; and these are increasing daily in proportion as labour is transferred from agriculture to other branches of industry. Hence, our corn duties do infinitely more injury to British industry and enterprise than the customs' league of Germany. We know from authentic sources that, in consequence of labour bearing at all times a relative price to that of necessary food, the cottons of Berlin, Silesia, Saxony, Westphalia, Baden†, and Würtemberg, compete successfully with those of Great Britain, even in the markets of the United States and of Brazil. Diminish those duties which now make food dear to the *many* for the benefit of the *few*,—enable the whole population to live, and bring up families upon moderate incomes,—recall to their own country the thousands whom their slender means drive into exile, and you will yet have gained only a portion of the advantages which such a course will ensure!

Allow the people of England to maintain life cheaply, and what will be the consequence, exclusive of all the necessaries of living being also so much lower in price, that the whole population can live at the same expense as in foreign states, and that the many thousands with limited means who are forced to live abroad, from the dearness of England, may return to their own country? Let the whole nation but have food cheap and in plenty, and with our immense capital, —with those powerful elements, coal and common metals in abundance,—with the industry, ingenuity, and enterprise of our people,—and with our happy geographical position, our manufactures will go forth into all the markets of the world, fearless of competition, and regardless of foreign restrictions!

* The quantity of grain malted for beer in Bavaria, exceeds all comparison with England. Were it not for the corn duties, barley from Germany might be malted in England for little more than half its present price.

† At Ettlingen, near Baden, there is a cotton manufactory now erecting, to qual in extent and machinery one of the largest in Manchester.

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Further, let us but admit grain* of all kinds from Germany, even at a fixed duty, which will give the importers from that country some chance of not being ruined—some certainty of a market with a fair profit, and we are positively assured that Prussia and the other states of the League, and also Austria, will immediately diminish the duties on our leading fabrics, so as to open the markets of those countries more freely than ever for the sale of British commodities. Let us on the other hand persist in our anti-commercial system,—let the peace of France, Germany, and the Austrian Empire, remain, as is most probable, undisturbed for five years longer,—and the fabrics of the continent, produced by improved ingenuity, at half the labour price of those of England, will, at a profit, meet those of the United Kingdom in all quarters of the globe. The landed proprietors may then look for their rents, but will the *latter*, the payment of which in England must always depend on the demand for our manufactures and the prosperity of our commerce, *be forthcoming?*

The present advocates of landed interests labour under that ignorance and delusion which the habit of considering *one*

* The average prices of Wheat, in the following markets, during the spring and summer of this year, 1836, have been :—

London—White wheat	60/	per qr.
Red	54/	per qr.
Hamburgh—White wheat, 86 rix-dollars per last, or,	27/9	,,
Red wheat	26/5	,,
London wheat 110½ per cent. dearer, or 16½ bushels Hamburgh, will only buy 8 bushels in London.		
Amsterdam—Finest Zealand wheat, 190 florins per cent.	30/8	,,
87½ dearer in London.		
Antwerp—9½ florins, hectolitre	36/5	,,
40½ per cent. dearer in London.		
Stettin—Finest Prussian red wheat, 35 thalers per wespel, of 24 scheffels	23/10	,,
126½ per cent. higher in London, or 18½ bushels in Prussia, worth only 8 bushels in London.		
Average duty in England for eight months of 1836	37/6	,,
on Hamburgh wheat	139 per cent.	
,, Amsterdam	122½ ,,	
,, Antwerp	98 ,,	
,, Prussia	125 ,,	

In Bavaria, Würtemberg, and Austria, the price of wheat, barley, and animal food, have averaged, generally, for some years, at about *half* the average price in England ! In France they have rarely reached two-thirds; in Belgium, they have averaged a little more than one-half the English prices.

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selfish interest as a ***general principle*** through life, appears to have rendered incurable; this ignorance, this delusion, deprives them of ordinary forecast,—they look up to the ***artificial prices*** which were occasioned by the wars that annihilated for the time the manufacturing industry of continental Europe, as ***realities*** which are to continue for ever—they forget that the price of every other commodity has fallen two-fold more than that of agricultural produce, although the high price of Bread invariably augments the price of every other article.

The farmers are told that the admission of foreign corn free, or at lower duties than at present, would ***ruin them!*** On the contrary, it would place them in a more healthy and secure position. Even admitting, for argument's sake, that rents would fall, every article of necessity, convenience, and luxury, which the landed proprietors require or fancy they require, would fall in price, so that the amount of those rents would purchase much more than they now do.

Admitting also that the prices of agricultural produce should fall as we hope corn at least would, whatever surplus then the farmer had, after paying his rent, (and he would have a greater surplus in *real value* than at present) would also enable him to purchase a greater quantity of every thing he required in return.

Considering therefore that the mass of the people have no property in land, and that the great majority are not concerned in agriculture,—considering also the vast portion of land required for grazing and common vegetables, it must be evident, (even admitting, which we do not, that the corn growers, or rather their landlords, would be injured,) how immense would be the advantage to the whole population,—to our manufactures,—to our shipping and commerce,—that must result from ***allowing every individual of the twenty-five millions which inhabit the United Kingdom, to eat*** CHEAP BREAD!

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Article IV.

El Moro Expósito, o Córdova y Búrgos en el Siglo décimo. Leyenda en doce Romances. (The Moorish Foundling; or, Cordova and Burgos in the Tenth Century.) By Don Angel de Saavedra, 2 vols., 12mo., Paris, 1834.

Whether Spanish poetry be, or be not of the highest kind, is a question upon either side of which volumes might be written, both parties educing the causes of merit or demerit respectively, from the condition, social and political, past and present, of the Spanish nation. And the question would, after all, probably, remain undecided, or be decided contradictorily, according to the opinions, prejudices and country of the judges. With a problem so intricate we mean not to meddle at this present time, when, though we have to speak of Spanish poetry, its comparitive excellence is not our immediate object. Be it exquisite, be it commonplace, it is the poetry of a nation highly distinguished by moral and intellectual qualities, by peculiarities attributable, in all likelihood, to the admixture of Arab with European blood in their veins. It is a branch of that literature which once bore uncontested sway over the taste and the genius of Europe. If the sceptre of the Peninsular muse has been broken, and her throne overturned, it is because she sickened and declined with the genius of the Spanish monarchy; and when the country in some small measure revived under Bourbon rule, not so revived the muse. She awoke from lethargic slumber only to find herself in Gallic bondage; and so diametrically opposed are the idiosyncrasies of the neighbouring nations, that Spanish genius, thus fettered by pseudo-classic manacles, was what the Germans expressively call an unthing (*unding*); it produced neither Spanish nor French poetry, and the reading world forgot that the country of Cervantes and Calderon possessed a literature.

But of late years, the universal march of mind has awakened even Spain to the now general desire for liberty and intellectual glory. Various authors have arisen, eager to bring back the golden age of their national literature; and these authors—following, or produced by, the tendency of the age—have, for the most part, been distinguished political characters. Marti-

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nez de la Rosa, the clever dramatist, was a member of the Constitutional Cabinet of 1820, and since of Queen Isabel's, or rather of the Regent Christina's. The Conde de Toreno, another Constitutional ex-minister, is engaged in writing the history of his native land during his own times; and a third ex-minister, Don Angel de Saavedra, who looms through the darkness as the founder of a new school of Spanish poetry, is acknowledged by the Spanish *literati* and critics, as having already taken his station amongst the first-rate poets of his country, and as likely to revolutionize the literary taste of his countrymen. A few words touching the character of Spanish poetry, which is not, we conceive, very familiarly known to the British public, will probably form an acceptable introduction, if not a necessary explanation, to what we shall have to say touching Saavedra's revolutionary doctrines.

Much of Spanish poetry was borrowed or imitated from the Italian, during the early, long and close connexion of Spain with the Sicilies, and afterwards with Lombardy. With that we have no concern. But two species of poetry germinated spontaneously, it should seem, in the soil of the western Peninsula; and it is of these we are to speak. They were the drama and the *romance*, or ballad. Whilst the Italian drama trod with servile scrupulosity in the footsteps of a classic prototype, or we should say strove to do so, (for can the pedantic imitation of degeneracy tread in the footsteps of genius?) the Spanish drama soared an original if irregular flight. Like our own Elizabethan, the early Spanish dramatists mingled comedy with tragedy, the ludicrous with the pathetic and the sublime, the loftiest, the most extravagant bursts of poetry, epic and lyric as well as dramatic,—in which we often trace the wild imagination of Araby enlivening and modifying something of Gothic depth of thought and feeling—with the puns and trivial jests of the *Gracioso* (buffoon). They rejected even the generally received law of five acts, dividing their plays—which, sad or merry alike, they called famous comedies—into three portions entitled, not acts, but *Jornadas;* literally day's work or day's journeys. Yet amidst these most unclassic forms, the Spanish drama ever reminds us of Aristotle's precept, which, considering the calm, the plastic nature, as Schiller terms it, of Greek tragedy, one

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might wonder how he discovered or imagined; to wit, that the essence of the drama is action, action, action*: for this early Spanish drama is, in truth, all action, incident and intrigue, pretty much to the exclusion of character and passion.

Simultaneously with, if not prior to, the drama, arose the *romance*, bearing considerable resemblance to our own old English ballad, in the simplicity of its style and in its subjects, *i. e.*, adventures of love and war. But the Spanish *romance* is further distinguished by a metrical form peculiar to itself and the drama, constituting in the latter the ground of the dialogue upon which lyric flowers are profusely scattered. This metrical form is the octo-syllabic alternate *asonante*, which last word may be explained as imperfect rhyming; or the rhyming of the vowels without regard to consonants. Thus for example, the following words are *asonantes*:—Aventajado; Carpio, ayudarlo; reynado, dado, cabo, &c. Our English readers will be better able to judge by the following English *asonantes*:—Knowledge, object, order, sorrel, adopted, bottle, soften, congress, concert, lodgement, solemn, northern, losses, abhorrence, hornet, commerce, &c. One such *asonancia* runs through a whole *romance*, a whole scene, or even *jornada* of a play, when not broken off, in the latter, by a passage fully rhymed; after which, the same *asonancia* may be resumed, or a new one adopted at pleasure. And it is really wonderful how satisfactorily this long-continued repetition of one imperfect rhyme fills the ear—that is to say in Spanish: for some modern German poets have attempted to introduce it into their rhythmical, if not musical language, appropriating it to Spanish subjects, and in their poems we are really unable to feel the *asonancia* at all: and we apprehend the same would be the case in English, were the trial made, although in our old ballads such an imperfect rhyme occasionally occurs, and passes unobserved. Perhaps its sufficiency in Spanish may originate in the circumstance remarked by a German critic, that the Spanish language owes much of its sonorousness to its decided preference of the vowels *a*, and *o*, over the more silent *e*, *i*, and *u*. This fulness of vowel sound gives effect to the *asonancia*.

* Perhaps in the etymology of the word drama, from Δραω—to do.

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The golden age of Spanish literature was that of Spanish power, the sixteenth century. It declined together with the monarchy during the seventeenth; and, as already observed, its revival under the Bourbon kings was a French not a Spanish revival. Regular five-act tragedies, full of narration, void of action, and strictly subjected to all the unities, were written in rhyming heroic couplets, and comedies, *mutatis mutandis*, after the same fashion. Odes, idylls, sonnets, even epics, we rather believe, abounded, all alike correct, cold and lifeless.

This imitation was, in fact, neither French nor Spanish. It was an ill-concocted *olla podrida*, in which the pride, passion and imagination of the one country were neutralized by the superficial pedantry and vanity of the other; a characterless mongrel, little known to Europe, and the less the better.

Such was the state of Spanish poetry, when the commotion of European intellect, pretty nearly coeval with the current century, and originating, we conceive, in the excitement of political convulsion, gradually drew the western Peninsula into its vortex, despite absolutism, despite even the most antispasmodic Inquisition. There, as elsewhere, poets who aspired to revive their national poetry, arose; but for awhile their efforts were inevitably thwarted, or clogged by political circumstances. Philosophy, liberality, glory, all appeared so indissolubly connected with revolutionary or with imperial conquering France, that the respect and admiration excited by *la grande nation* could not but reflect some of their lustre upon that French taste which had smothered Spanish genius. Hence the first essays were feeble. They wanted the vital principle.

Even the French invasion and attempted usurpation of the Spanish crown, hardly broke the spell. Every generous feeling was, indeed, now patriotically enlisted against France; French theories, *quoad* French, were disliked; with the spirit of nationality, national poesy revived, and Spanish poets meant to sing as Spaniards only. But still, the idea that the French theory was truly and essentially classic, prevented its being boldly rejected; still their half-broken fetters hampered their free movements, and small was the success achieved. One writer there, however, is, whom the voice of Spain has proclaimed not only a genuine poet, but the founder of a new

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school of poetry: of him, Don Angel de Saavedra, we are now to speak; of himself first, then of his poetic views; and, lastly, of their development and embodying in his *Moro Expósito.*

Don Angel de Saavedra is the younger son of a Spanish grandee family, the Duques de Ribas; and it is somewhat remarkable that the first distinguished poet, living Spain has produced, should spring from the class* which, in that country, has long proved the most degenerate. We hail this indication that a degeneracy, resulting from political condition, may be susceptible of regeneration under opposite conditions. Saavedra's youth was passed amidst such stirring times as must have guarded him from the baneful influence of the corruption of the Spanish court. He fought in the War of Independence, as the Spaniards naturally term that which we call the Peninsular War; and in the defeat of Ocaña, which at the moment seemed to have delivered the whole of Spain into King Joseph's hands, our noble poet received eleven wounds, the last and most dangerous from a Polish lancer, who ran him through the body. He was left upon the field for dead, and his recovery, deemed almost miraculous, was distressful and tedious. Such protracted sufferings appear to be, in Spain, fruitful sources of mental change and future greatness. In such circumstances had Ignacio Loyola become a bigotted fanatic and conceived the idea of the order of Jesuits; in such Don Angel, relieving the weariness of pain and confinement by study and poetical meditation, became so enamoured of their charms, that he has since in great measure dedicated his life to their pursuit.

His first productions, however, by no means placed him in the station he now occupies on the *Parnaso Español.* He sprang not from the head of Zeus, a Pallas Athena intellectually and materially armed, prepared to rule the thoughts and destinies of men; but was born, like ordinary mortals, a puling babe that gradually ripens into manhood. Saavedra's early poems were commonplace, distinguished only by mellifluous versification and gorgeousness of diction; of his tragedies, though well received, one only deserves mention. *Lanuza*, the

* A few other grandees have shown that they have broken the bonds of ignorance and prejudice, by writing and publishing verses; but without earning the high title of a poet.

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subject of which is the overthrow of the liberties of Aragon by Philip II., breathes the author's impassioned love of liberty; and being produced during the enthusiasm of the revolution of 1820, awoke correspondent emotions in the audience. But it wants historic truth; its patriotism is the speculative love of liberty of the nineteenth century, not the sturdy attachment to old chartered rights of the sixteenth; and *Lanuza*, like its sisters, has died a natural death. Had he written nothing more, so might the name of Saavedra.

But upon Ferdinand's restoration to absolute power in 1823, Saavedra, with other liberals, was banished; and in exile his genius, finding the nourishment it wanted, acquired the vigour of maturity. He visited France and Engand, mastered the languages of both countries; studied the works of the popularly lyrical Berenger, of the powerful though immoral and injudicious Victor Hugo; and those of our own living, or recently deceased, poets, whom he thus characterizes:

"From Cowper to the present day, the British has perhaps "been the richest of modern literatures in poetry, as well in "respect to the abundance, as to the value of its productions; "and this, because the authors, abandoning erroneous rules "and regardless of *classicism* and *romanticism*, have become "what the old classics were in their day—what poets must in "all times be. Scott, chivalrous; Byron, metaphysical and "descriptive; Campbell, alike pathetic and polished; Southey, "tender and erudite; Wordsworth, simple and affectionate, "uniting to the most sensitive soul an attentive and constant "study of nature; Crabbe, the painter of social man in the "lowest classes, describes in a style as rough and vigorous as "it is brilliant and vivid, natural and energetic manners, "passions, vices and crimes. * * * Moore, gallant, "sparkling, witty and imaginative, although a mannerist, at "the thought of his country assumes a loftier and more piercing "accent, emulating in his peculiar inspiration the style and tone "of Tyrtæus: these, not to speak of others almost equally "distinguished, form a band of first-rate writers, whose works "display genius and taste together with originality and pro-"digious variety."

From these sources (which the extract we have given proves that he had studied), combined with variety of country and

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society, and with the vicissitudes of a political exile's life, Saavedra appears to have imbibed a deeper and higher spirit of poesy. He meditated intensely on his art, and formed to himself a new system, of which presently. We must first mention that under the constitutional government of Queen Christina, Saavedra returned to Spain and very lately—we forget whether in the cabinet of Mendizabal or of Isturiz—held the post of Minister of the Interior. Of his fate in the late revolution we are ignorant, not having seen his name among those of either the fugitives or the victims, nor yet of the leaders of the *Exaltados*.

Saavedra's new system, new only in the Peninsula, may be briefly described as the adaptation of the early *romance* to the moral and intellectual requisitions of the nineteenth century. The prologue to the poem before us, in which he expounds it, is pretty much an essay upon romanticism and classicism, showing the self-entitled classicism of France to be neither Greek nor Latin classicism, but wholly French. Then, after speaking of the modern romantic or national poetry, he thus proceeds:

"This new theory, adopted by so many nations, has broken "the chains of revered traditions, and dealt a death blow to "authorities previously deemed infallible. What was before "blindly believed, is now examined, admitted, rejected, passed "through the crucible of reason. This emancipation of the "judgment has indeed opened the field to errors and extra-"vagancies; but it has likewise removed the obstacles that "prevented the seeking for fountains of ideas and images, "except in the rectilinear high road pointed out by pre-"ceptors. * * * Poesy became again what it was in "Greece, in its youth, the expression of memories of the past "and of present feelings; an expression vehement and sincere, "not the copy of what preceding authors have said, nor a task "enjoined by dogmatising critics.

"These words explain the author's design in the following "poem. * * * He has taken his subject from the "history of Spain in the middle ages; a fertile field, too much "neglected by our poets. * * *

"He has adopted a metre seldom or never employed in long "works; but easy, yet susceptible of elegance and pomp;

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"akin to that of the short *romance*, the genuine Spanish "poesy; and even in its *asonante* peculiar to our idiom, "simple and exclusively Castilian.

"He has endeavoured to give his composition the proper "colouring; consulting for that purpose the scanty memorials "extant of the times in which the action took place; traditional "memorials, and of the age almost immediately following, for "contemporaneous there are none.

"He has purposely avoided the equal and sustained style "usual with our poets, as well as all allusion to classical "mythology. He has mingled, if the expression be allowable, "jest and earnest, or pieces of mean appearance with others of "brilliant texture; pages in a lofty style with others more "prosaic; noble images with trivial; pictures of ideal, with "pictures of common life. This may offend many readers; "but it is not his fault if in nature the serious and tender are "intermixed with the ridiculous and extravagant; and he "wishes to take nature for his guide. * * *

* * * "He has endeavoured to engage the affec- "tions and curiosity of the reader in his narrative, and in "favour of his personages; to adapt his style to the matter, both "generally and in the separate parts, as also to the persons who "speak; to sketch and colour his pictures as he conceives them; "to describe objects that are, or were, or might have been; to "represent historic costume; to preserve, even when venturing "on the ideal, those natural features that give to the imaginary "an appearance of reality; * * * lastly, to "follow his own impulses, obey his spontaneous inspirations, "and to produce not *what* others have produced, but *as* the "celebrated foreign geniuses of the present century, so rich in "the sound criticism befitting a generation philosophical in its "audacity, have produced."

We have given this long extract, partly as illustrative of the previous state of poetry in Spain, partly as showing the progress of the author's mind, and partly as explanatory of what the poem to which we now proceed is intended to be; something after the manner of Scott's Lord of the Isles. *El Moro Expósito* was begun in the isle of Malta and finished in France, where, by the kindness of some brother exiles, espe-

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cially of Don Vicente Salva, ex-member of the *Cortes*, we believe, and now a Parisian bookseller, it was published.

We apprehend we shall be deemed illiberal judges by Spanish critics when we say that *El Moro Expósito* combines great faults with considerable merit; but the difference between our judgment and theirs may probably arise from their comparing the poem with Spanish poems, whilst we cannot but compare it with the spirited and splendid works which have kindled the imagination of Saavedra; which he has emulated but assuredly not rivalled. To the versification and the management of the metre and *asonancia*, so especially extolled, we, as foreigners, are of course less alive than natives; and we must own that although interspersed with passages of vigorous poetry, the portions that he calls plain often appear to us very prosaic. In translating we have often found it impossible to make our version as long as the original, and have taken advantage of the author's practice of carrying on the sense from stanza to stanza, to compress four stanzas into three. Nevertheless, we do appreciate the poem highly, both as a poetic picture of the state of Spain in times past, and as a symptom of her actual and progressive condition.

Our first attention shall be given to the story upon which the poem is founded, one of those romantic and tragic tales with which the early annals of Spain abound. We will state it as briefly as may be. Towards the close of the tenth century, under Garcia Fernandez the second sovereign Count of Castile, Gonzalo Gustios de Lara, a kinsman of the Count's, was the father of seven sons, called, no one seems to know why, the seven *Infantes* of Lara*. Upon occasion of the marriage of their maternal uncle Ruy Velazquez with Doña Lambra, another cousin of the reigning family, a violent quarrel arose between the *Infantes* and a kinsman

* So in the history or romance of the *Cid* we find the *Infantes* of Carrion, to whom the title is given, neither by right nor, assuredly, by favour. It properly belongs only to princes; and the best explanation we can suggest of this, its anomalous application, is, that in times when all titles were more loosely used than in our critical days, this one might be taken as descriptive, or distinctive, of a knot of high born youths, remarkable for their fortunes or their qualities, good or bad.

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of the bride's, which so exasperated the lady, that she instigated her husband to contrive the destruction of his nephews and brother-in-law. He first induced Gonzalo Gustios to visit Córdova upon a friendly concern of his, Ruy Velazquez's, with the Caliph Hixem, whom he requested, in the letter his brother-in-law carried, to put the bearer to death. The Caliph, too tender hearted for murder, threw his visitor into prison. The captive's lonely dungeon was cheered by the charitable visits of a fair and noble Moorish lady, supposed to have been Hixem's sister; and her virtuous compassion ended, as was to be feared, in guilt; the prisoner forgot his wife and the Princess her honour. Ruy Velazquez next induced the *Infantes*, in their father's absence, to accompany him upon an expedition against the Moors; when, betraying them and their tutor, the good Knight Nuño Salido, into a Moorish ambuscade, he deserted them and they all fell. Their heads were, by his desire, cut off, and sent to their captive father, whose misfortunes so touched the Caliph, that he immediately released him. Gonzalo Gustios returned home to his wife Doña Sancha, and they mourned together for their children. After his departure the frail Moorish Princess bore a son, Mudarra, who was carefully educated at the learned and chivalrous court of Córdova, and, upon attaining to manhood, was informed of his parentage, and sent by Hixem, with an honourable escort, to Lara. Mudarra forthwith revenged his half brothers, by putting Ruy Velazquez and Doña Lambra to death; and was in consequence adopted, and thus legitimated, by the bereaved mother, his father's wife.

Now we must observe that this legend, however interesting, has one great self-evident fault, for the purpose of the romancer or dramatist. It extends over too many years and contains a double action, distinct though connected, or at least two such successive catastrophes; and the first, by far the most interesting, leaves the mind unsatisfied by leaving vice unpunished and triumphant. This Saavedra has felt, and has in consequence taken for his poem the second part only, the fortunes of Mudarra the Foundling; throwing the commoting tale of the *Infantes*, with the presentation of their heads to their father, into a narrative told by Mudarra's tutor, Zayde, to his pupil, when the said pupil ought to have been flying

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for his life. And as if this story, including the original quarrel with Doña Lambra and the tournament which gave rise to it and at which Zayde was present as ambassador from Córdova, were too short, our author introduces, episodically and anachronistically, the adventure of a Dowager Countess of Castile, accused of attempting to poison her son, the reigning Count Sancho, for love of a Moor; the irrelevancy of which most superfluous episode is apparent from the single fact that Garcia Fernandez, the father of Count Sancho and husband of the accused dowager, reigned through the whole history of the *Infantes*, from before the marriage of Ruy Velazquez till after his death by Mudarra's hand, during all which time our poet makes Sancho the reigning Count. And *apropos* of this narration, we must observe that Saavedra takes many unwarrantable liberties with historic characters; he represents Alhakem II., whose only fault in the eyes of his Moslem subjects was his love of peace and his strict adherence to treaties with the Christians, as a reckless fanatical warrior; he degrades Hixem II.'s warlike *Hagib* (Minister) Almanzor, and his protectress the able Sultana Mother Sobeiha, by representing the supreme authority as committed to tyrannical and unjust hands during the *Hagib's* absence upon military expeditions; as also by attributing to this wicked substitute Giafar, some of Almanzor's victories over the Christians; to Giafar he likewise imputes much of the guilt of Velazquez with respect to the Lara family. Such historical untruth is not, however, the great fault we find with the management of the story; it is that so much of the poem is occupied with listening to tales of the past, and so little in action. Had not our author declaimed so fiercely against French shackles, we might hence have suspected that he was not quite free from them*.

The poem is divided into twelve *romances*, each having a different *asonancia*; and opens with a few stanzas, implying

* Such long-winded narrations characterize all the Spanish poets with whom we are acquainted, as also the inferior Italian poets. Can this proneness to telling, and listening to, long stories be connected with the verboseness already mentioned as hard to imitate in English? Is prolixity indigenous in hot latitudes, where, amidst the luxurious enjoyments of climate, men may be content indolently to lie still and listen, half asleep perhaps, at all events in no hurry to get forward. Young Rapid's "keep moving," is certainly of a northern latitude.

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that the Muse suddenly waked the poet in Malta, bidding him write; and then with the following touching address to his native city, Cordova. We imitate the metre, merely substituting a rhyme to the *asonancia:*

"Illustrious Cordova! Where is now
Thy greatness, where thy power? As against thee,
'Gainst whom has greedy Time displayed such rage?
'Gainst whom blind Fortune, such inconstancy?
Question the marbles that thy temple deck,
Question the old surviving palms, that now,
Triumphant over centuries and storms,
Still rear on high, as erst, each stately brow;
Question thou even the Guadalquivir,
Who silent pours his fertilizing flood
Along a boundless tract where smiled of yore
Zahara's Gardens, where a palace stood;
And they shall tell thee what was once thy power;
How indestructible appeared thy sway,
That, e'en as clouds before the northern blast
Fleet o'er the face of Heav'n, hath passed away.
'Twas in the very summer of thy pride,
When thee th' admiring world, with loud acclaim,
Hailed Queen of Islam's realms, of science high
The cradle, native land of warrior fame;
'Twas when thy lofty tow'rs and massive walls,
Which, spoil of centuries, in ruins lie,
Whence, amidst thistles and wild brambles, now
The nightly owl hoots her lamentful cry,
Were still of fortune the resplendent throne,
The court of Hixem, and of fame the shrine,
That in Almanzor's palace grew a youth
Of gallant mien, but bearing grief's dark sign."

This youth is the foundling; his early training under Almanzor's lovely, deceased, sister Zahira, and the valiant, wise and good Zayde, is described; and we must applaud the taste with which Saavedra has substituted Hixem's *Hagib*, Almanzor, the great hero of the Spanish Moors, the conqueror of the Spanish Christians in fifty-four hostile incursions, the patron of letters, learning and the arts, during whose twenty-five years' administration Moslem Spain knew not a day of danger or disorder, to the feeble Caliph, as the uncle and protector of his foundling. The first incident is the marriage of Almanzor's son Abdelmelik, or, as Saavedra writes the name, Abdimelik, which introduces a picture of the court of Cordova, and of the nuptial banquet and chivalrous sports, given by Hixem

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to honour his *Hagib.* At the games the foundling foils every competitor, especially a Tunisian prince Zeir, and gains every prize, the heart of the beautiful Kerima, daughter of the ferocious Giafar, included; he, in return, falling in love with the maiden. Almanzor insists upon their dancing together. The Moslem seclusion of women, it will be remembered, was little more heeded in Spain than Sultan Mahmoud apparently means it to be in Turkey.

" The emirs and th' illustrious cavaliers,
The noble matrons and the ladies fair,
Gather in throngs around them, eager all
To gaze upon so beautiful a pair.
But few there present know the gallant youth
Who through the day has of the general eye
Been still the mark admired, and the demand,
' Who is he?' circulates without reply.
Who best know his condition, knowing too
The mighty *Hagib*'s favour, speak no word;
Giafar alone adventures to pronounce
' A base-born foundling;' but in tones scarce heard.
Almanzor instantly his malice daunts;
With blazing eye, each lurking fear that stirs,
He glares on Giafar, answering loud to all,
' What need of question? 'Tis Mudarra, Sirs!' "

We mean not to enter into the detail of the young loves of Mudarra and Kerima, but cannot refuse ourselves the indulgence of one extract upon a subject in which all hearts sympathize. In riding at the ring, Mudarra has carried off a splendid diamond ring which Kerima expected to see laid at her feet. That it is not so offered awakens her jealousy, and she persuades herself that she has conquered her passion, when, in search of flowers, she visits the sepulchre of the beautiful Zahira, the benevolent protectress of the foundling's infancy. Her visit is thus described;

" The sun was slowly sinking tow'rds the west,
And o'er his radiancy, too dazzling bright,
Floated a misty veil of purple and gold,
Soft tempering th' effulgence of his light.
Assembling clouds of glowing red enriched
Heav'n's arch, where vapours hovered here and there;
And whilst the wind reposed amidst the flow'rs,
Jess'mine and orange blossoms breathed i'th'air.
It was a soft and peaceful evening; such,
In that delicious clime, that gladsome land,

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Nature exhibits, with them, as with spells,
Enchanting gentle bosoms, spirits bland.
* * *
There stood a marble monument, in which
The fair Zahira's cold remains were laid;
Beside it, four lugubrious cypresses
Arose, amidst whose tops the breezes played.
O'er it a laurel flung luxuriant shade;
And all around the ambient air was filled
With fragrancy, evolved by beauteous flowers;
Unscorched by summer, by north winds unchilled.
Kerima treads the melancholy spot,
Thrilling with tender awe, with reverence deep;
Silent and trembling she draws near the tomb
Where virtue rests at length in quiet sleep.
Her eyes she raises, and astonished sees,
Soft undulating as the west-wind sighs,
Amidst the laurel that red ribbon twined,
At the famed tournament Mudarra's prize.
And on the ribbon hangs the diamond ring,
On which the setting sun, ere lost in night,
Flings his last rays, reflected by the gems
Till every diamond seems a magic light.
Is it within the scope of human voice
To tell the passion of Kerima's breast,
When on that hallowed tomb she sees the pledge?
Disproved all jealousies that late possess'd
Her soul! She shrieks aloud; with failing limbs,
Her brow, heat-dropping*, and her arm of snow
'Gainst one of those funereal cypresses
She leans, her eyes with tears of love o'erflow.
* * * *
No object save Mudarra she beholds,
Her soul, in the volcano of her breast,
Dissolves; Mudarra is her very life,
Her universe is in that name express'd."

Zahira's tomb is thenceforward the scene of the tender but innocent intercourse of Mudarra and Kerima. Giafar of course disapproves of his daughter's attachment to a foundling, and orders her to prepare to marry the Tunisian prince upon a certain day near at hand. Then, thinking her love will die

* Our poet fairly says 'sweaty.' We have not courage, had we the inclination, to follow his example in such plain speaking, and feel reluctant even to intimate the little captivating condition of our heroine. But it is observable that southern poets are less fastidious in this respect than their northern brethren. Tasso talks of *bei sudori, i. e.* beautiful sweats, but on a hero indeed, which is a shade or two less offensive. Is it that in hot climates a state of *sensible perspiration* is so constant that it ceases to be an object of disgust?

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with its object, takes advantage of his temporary possession of the supreme power, through Almanzor's absence in Africa—where we doubt Almanzor's ever having gone—to plot the murder of Mudarra, at a retired place called the Emir's fount. The secret surprise failing, a scuffle ensues in which Mudarra kills his unknown assailant; then, recognising Giafar, flies in despair to his tutor Zayde's Castle of Albaida, where in Almanzor's absence he too resided.

The old gentleman upon hearing what has chanced, exclaims, "This is the arm of Allah!" orders horses to be saddled and baggage packed for flight, and then sits down to tell the unintentional assassin of a prime minister, the long story of which we have already made not honourable mention; talking on, on, on, almost continuously, through about ninety pages and to the tune of some two thousand lines. The tale finished, tutor and pupil mount and ride off, with a train of slaves and other attendants, for Castile. Mudarra, full of his high birth and family misfortunes—we should observe that Saavedra has here skilfully deviated from history, by representing old Lara, through the influence of Velazquez over Count Sancho, as condemned for treason, imprisoned, his estates confiscated and his honours dishonoured—Mudarra, we say, engrossed with these matters, seems to think no more of Kerima. We are more steady in our regard, and shall extract a picture of her anguish as a specimen of our poet's pathos. A letter from Mudarra, disclosing the transaction at the Emir's fount and his own parentage, produces a dangerous illness, upon slowly recovering from which her reason appears to be impaired, if not lost.

"The hapless maiden in her garden passed
Hour after hour, not tending heedfully,
As erst, her flowers, and plants medicinal;
Now with indifferent or disdainful eye,
She sees how, in its alabaster vase,
Each, save by dew unnourished, fading lies;
And on neglected banks and borders, how
The young shoots wither, the parched verdure dies.
As thus one summer evening, all alone,
With faltering steps and eyes upon the ground
Unmoving fixed, she through her garden strayed,
By chance a postern door she open found.
And as the bird, if accident unclose
The portal of the narrow cage where he,

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Long captive, rather mourned than sang, darts forth
On the soft wind, in flight impetuous, free;
So rapidly, almost unconsciously,
She rushed into the neighb'ring forest, sped
Across th' adjacent fields, shaping her course
Tow'rds sad Zahira's monumental bed.
Panting for breath, well nigh dissolved with heat,
She reached the death-scene where her love was owned;
Sinking upon her knees, with straining eyes
She wistful gazed around, and wept and moaned.
Oh what deep agony, what fancies sweet,
What bitter recollections must invade,
Upon that cherished spot, the mourner's breast
Death-wounded by misfortune's sharpest blade!
The marble that the tender mother hides
Of the dear object of her bosom's fires;
The flowers, by him committed to her love,
Untended, choked by weeds, brambles and briars;
The funeral cypresses, mute witnesses
Of her whole soul's ebriety of love,—
Love that inexorable Fate forbids;—
The ribbon waving still the tomb above,
Although by rain and wind faded and torn;
Every memorial of her passion's force
Inscribed on all around her she beholds;—
Her passion, of such misery the source.
Earthward her face, all bathed in tears, she bends,
Gives her delirious fantasy the rein.
And dreams awake, and wanders mentally
Through labyrinths confused and blind and vain.
But, woe the while! 'tis not the past alone
Imagination paints, distinct and clear,
As present; present too the future seems,
And wild illusions present thus appear.
Great God! The shade of him whom she adores,
Will here—his letter said it—seek repose.
He went in search of dangerous revenge—
Is not the moment come?—Perchance he goes,
E'en now, a flitting ghost, impalpable,
About this scene with fond remembrance fraught,
Invisible, mute, hovering o'er herself—
And as her mind conceives the awful thought,
Soothing and terrible at once, she lifts
Her face and trembles while she gazes round,
Anxiously listening as amidst the trees
The rising wind murmurs in hollow sound."

A long ditty, sung by peasants at their work, about a parted pair of turtle doves, now catches Kerima's attention, especially the last stanza.

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" Fly, fly, hapless dove,
To die by his side;
If one arrow slay both,
Ye will happy have died.

In hollow accents she repeated; then,
To sudden fierce insanity a prey,
Upstarted, murmuring hoarse, 'This pledge is mine!'
And from the laurel snatched the ring away.
Treasured it in her bosom, and sprang forth
Lightly from that funereal abode;
Now tow'rds the mountains she directs her flight,
Seeking no pathway, following no road.

* * * * * * *

The sun was hastening downwards in the west;
The wind, in every impetuous gust
Gathering increase of strength, swept o'er the plain
In tempest, whirling high white fields of dust.
Across th' o'er-arching sky drove heavy clouds,
Thick pressing on each other; even so,
As, in the mind of the afflicted, throng
And press upon each other, thoughts of woe.
Large, heavy raindrops, few, wide-scattered, fell
Plashing at intervals upon the ground;
Th' horizon with the lightning's sudden flash
Startled; and, as through forest glades resound
Roarings of lions, distant thunder's bursts
Rung through the troubled air. In grot and cave
The flocks sought shelter, men beneath their roofs.
Kerima only hears no tempest rave;
Albaida castle she before her sees;
Her frenzy rises; clambering over rocks
She speeds; then stops abrupt, as memory
With 'No Mudarra there!' her wild hope shocks.

* * * * * * *

Meanwhile the storm increased; each little brook
The rain had swoll'n to torrents, such as roar
Adown the precipice; the hurricane
Whistled and by the roots old pines uptore,
And on the lofty mountain's topmost peak
Hurled massive rocks from their primæval bed;
While such the thunder, that at every burst
The very globe, confounded, shook with dread.
The atmosphere seems now a sea of fire,
Now murkiest night, to which a niggard beam
Left in the west by the expiring sun
Just lent of horrid light a pallid gleam.
At length Kerima notes the storm, and round
Looks anxiously for shelter; when her eyes
Rest on a grove of stately trees and tall,
And to their leafy covert swift she flies.

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Oh God! Where is she? Where?—The Emir's fount!
Though seldom she that fatal spot has seen,
She knows it on the instant—To her grief
Less terrible to her th' abyss had been.
The place is to her eyes a sea of blood,
Midst which th' accusing spectre of her sire,
Ferociously revengeful, she beholds,
With execrations to Heav'n's bolt of fire
Assigning as its mark her guilty head,
An expiatory victim. Petrified,
She stands a marble statue; in her arms
Buries her brow, and leans against the side
Of a tall pine's thick trunk, just as the gale,
Raging amidst the branches, with loud crash
Shatters the tree. Kerima! Wretched maid!
What panic terrors on thy senses flash!
She deems that Heav'n and earth, joined to chastize
Her frantic passion, have their victim sought
E'en there, where trampling on her father's blood,
She seeks his murderer. The dreadful thought
Chills her with horror, scaring her away
To meet her doom elsewhere. She turns to fly,
With faltering steps threading th' intricate rocks
That guard the mountain; when a sudden cry
Of 'Gala! Gala!' on her senses strikes.
Her mother's name! 'Tis solace to her fears,
She looks behind—A spectre meets her view!
A gaunt old man, far, far advanced in years,
But upright, active, strong.—His beard and hair
Snow-white, rain-drenched, flowed in thick curls adown
His neck and girdle. Wide abroad the wind
Tossed the large folds of his grey cloak and gown,
That, as he went, dripped water from the clouds.
She flies; midst bristling rocks, through thickets, brakes,
The spectre chases the sad fugitive,
And on a precipice's verge o'ertakes.
Thus haply, to Judea's guilty King,
In times remote as sacred story tells,
The Prophet Samuel's awful shade appeared,
Raised by the Witch of Endor's potent spells.
No longer poor Kerima may endure
This agony of terror; when so near
She sees the spectre, with a piercing shriek
She sinks upon the earth, and swoons with fear."

The supposed ghost is Kerima's Christian grandfather, from whom his daughter Gala had been violently torn by Giafar; and in his parental care we shall leave our heroine, whilst we accompany the poet to Castile. We extract his comparison between the two Spanish provinces, which we think in his best

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manner. The English reader, accustomed to consider Spain generally as a hot, southern climate, may probably be a little surprised at our Andalusian's views of Castile.

" A different scene now offers to mine eyes;
Not these the lovely groves, the fruitful plains,
Where, slowly winding his majestic course,
Guadalquivir o'er Andalusia reigns;
Nor yet the fertile mountain ridge, of snows
Unconscious, to the clear blue sky its crest
That lifts, with massive rocks, with mosses soft,
With odorous flow'rets and with olives drest;
While its delicious slopes are carpeted
With many an orchard, vineyard, garden fair,
Where oranges and luscious jessamines
With perfumes exquisite embalm the air.
Nor this th' illustrious city of my birth
Cordova, where I first enjoyed the day,
Within whose bosom tasted first that love,
Those fond caresses that make childhood gay.
* * * * *
Castilian gloomier skies, by sullen clouds
Are hidden, and by misty vapours white;
And barren is the soil, where winter harsh
Displays the very fury of his spite.
And here th' Arlanza winds, whose banks, perchance,
In summer's pride may boast the harvest field;
But now, amidst sharp frosts, languidly creep
His turbid, sluggish waters, half congealed.
And now the warlike city I behold,
Seat of those Counts whom proud Castile obeys;
But, oh! how different from the capital
Where Hixem holds his court, his empire sways.
Not like Cordova, nascent Burgos rears
Resplendent domes against a sapphire sky;
Nor sees adorned with marble and with gold,
Glitter her palace pinnacles on high.
Here rise up solid walls and battlements
Of coarsest stone, where play no beams of light,
But whose rude strength defies the hurricane,
The tempest and war's devastating might.
Not with barbaric pomp and opulence
In Burgos palaces unnumbered swell,
Carpeted with the Orient's precious webs,
Abodes where science, letters, luxury dwell.
Not here is the Muezzin's sonorous voice
Heard as the morning dawns, a new-born day
Announcing to mankind, and piously
Calling the Moslem in the Mosque to pray.
But in its stead, pond'rous metallic bells
Deafen the atmosphere, as they invite,

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With heavy tongue and melancholy sound,
 Christians to celebrate some holy rite.
Nor in the streets of school or academe
 Is heard the voice, nor pleasure's joyous sound
In square or mall, nor business' hum, that tells
 Where workshops, lab'ratories, looms abound.
The hammer only is in Burgos heard,
 Striking the anvil with unvarying beat,
Fashioning into armour, into arms,
 Steel duly tempered in the forge's heat;
The chaunt monotonous, that from the choir
 Of convent, parish church, or chapel, flows;
And the dull murmur of a populace
 That poor and silent through the city goes.
The fields—Oh, God! how different the fields!
 There knots of peasants, with joy-breathing song,
Although half naked, idly following
 The tardy oxen they scarce goad along,
Sow their rich furrows, confident to see
 Abundant harvests pay their easy toil.
Here the poor ploughman, struggling painfully
 'Gainst parching climate and ungrateful soil,
With active mules breaks up the arid ground,
 And trembles lest the crops, designed to pay
His weary labours, by invading hosts
 Should, immature, be reaped and borne away;
Or, 'scaping foes, be plundered soon as ripe,
 Or by some crafty monk, or by th' intense
Rapacity of his tyrannic lord,
 Or by the mountain outlaws' violence.
In fine, that century's effulgent sun
 Beheld in Andalusia's blissful state
An empire powerful and illustrious,
 A nation affluent, united, great,
Already in its zenith; and perchance,
 E'en then, the monarch's unrestricted pow'r,
The people's proneness to delights, foreshowed
 Decline and ruin's fast approaching hour*;
And in the land through which th'Arlanza flows,
 Conquest of yesterday, an infant realm,
Coarse ignorance with poverty conjoined,
 Fierce factions, doubtful laws, the ruling helm
Escaping from a feeble government;
 But such high spirit, valour, constancy,
As well presaged to arrogant Castile
 That power and empire were her destiny."

* Soon after the death of Almanzor, Hixem was dethroned, the powerful Caliphate broken up into petty states, and Moslem Spain overrun by barbarian hordes from Africa.

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Upon reaching Castile we find new deviations from history, and also,—a more important point in a romantic poem—that our author has, in great measure, suffered the good effects we had anticipated from a former deviation to escape him. The feeble Count Sancho is dead; his throne is occupied by his *pseudo*-successor, but real predecessor and grandfather, Fernan Gonzalez, one of the greatest heroes of early Spanish history. The new Count, not inheriting Sancho's thraldom to Ruy Velazquez, has, at the solicitation of Nuño Salido whom Saavedra saves from the massacre of his pupils, released old Lara from prison and restored his estates. But he has only pardoned Gonzalo Gustios—as amply punished by his various sufferings, including blindness produced by violent weeping—he has not reversed his sentence or restored his honours.

> " Of basest treason the abhorrent signs
> With ignominy Lara's palace brand,
> The stately entrance, the front windows, all
> Built up, and by the hangman's loathsome hand
> Th' enamels, mottoes and proud quarterings
> Daubed with disgraceful black, defiled, defaced
> The broad shield, glory of the frontispiece;
> The morion, on the loftiest summit placed,
> With broken feathers, broken ornaments,
> And a vile rope about the gorget tied,
> Mutely announces that a death of shame
> The lordly owner has, or should have, died."

Fortunately the good old Lara's blindness prevented his seeing these marks of infamy, and, if his friends and servants had been discreet, might almost have saved him from a knowledge of their existence. Still their existence is so tremendous an evil, that we might think their removal alone a sufficient cause for the birth, and compensation for the tender sorrows of Mudarra, were it not apparent that the rational Fernan Gonzalez would ere long have set all to rights, without the foundling's intervention. Indeed in the ninth *romance* we are explicitly told that the Count was prudently destroying Ruy Velazquez by degrees, as the wood-cutter, before felling a large tree, which in its fall might crush the adjacent house, lops off the branches, sealing it, still alive, with death; and that the release of old Lara was the first lopping. We must confess we should have liked to have found the Lara affairs in the worst possible state and Velazquez at the height of prosperity,

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that Mudarra might really have achieved greatness. We must not, however, bring our Moslem hero to Castile, till we have said that Gonzalo Gustios, after being taken for a hobgoblin, a Jew and what not, was rapturously received by his kindred and vassals and feasted by the *arcipreste* (chief, or arch-priest) of Salas; that we have here one of the comic passages announced, which, to our mind, is misplaced and irrelevant, as not characterizing the tenth more than the nineteenth century; to wit, the bustle of preparing a banquet at a minute's notice in a small household, and the harmless stratagems of the arch-priest to gain time for his housekeeper; that after dinner the old Lord of Lara tells a long story of his sufferings in prison, and Nuño Salido another of his twenty years' travels, including his unsuccessful attempt to obtain Lara's release from Count Sancho and his late successful application to Fernan Gonzalez; which narration is the heavier for being given in the third person, as thus:

> "He told how, sanctioned by the pat riarch,
> He had seen the fertile plains by Nile o'erflowed,
> Had visited the pyramids, and thence
> To Palestine pursued his weary road."

We now come to Mudarra's arrival. The old Lord of Lara and his friend Nuño are enjoying, at the postern of the palace of Salas, the sunshine of a winter's day: Gustios dwelling upon Zahira, and repenting that he had not profited by her love to convert her to Christianity instead of misusing it to her seduction:

> "When suddenly confused hoarse sounds are heard,
> Next, of 'The Moors! The Moors!' a fearful shout;
> The tumult swells, loud clamours and laments
> Through Salas ring; and a disordered rout
> Of peasantry, death pale, run to and fro;
> Some seek the nearest wood, thicket, or brake,
> In which to shelter family or wealth;
> Their shepherds some, to bid them straight forsake
> Hovel and sheepfold, hurrying the flocks
> To mountain fastnesses; some haste to arm
> The neighb'ring villages; others to call
> Horseman and spearman's aid in their alarm.
> Nuño asks loudly of the passers by
> Their cause of flight. They pause not whilst they tell,
> 'The Moors are charging; their unnumbered hosts
> Obscure th' horizon.' Tidings that the bell
> Of each town church confirms, with brazen tongue
> Sounding th' alarm, and deafening the wind."

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Nuño now orders an escort to arm, whilst he goes forth to ascertain the amount of the danger.

" E'en such confusion as distracts a ship
If, whilst the hurricane with furious shock
Throws overboard her broken masts, her keel
Should sudden strike on some sharp-pointed rock,
Lurking beneath the billows, Nuño finds
In street and market place. So insecure
Was then existence, in the midst of peace
So frequent the incursions of both Moor
And Christian, that such panic none may blame.
Nuño with men of worth, burgher and knight,
Conversed, while they with eager haste prepared
Weapons and horses for th' impending fight.
Th' invasion of the Moors, who even now
Are ravaging the country, all aver;
But of their forces and their purposes
Reports are doubtful, various—none concur.
Nuño and the arch-priest, and other two,
Men of authority, ascend amain
The loftiest church steeple, whence the eye
Commands round Salas forest, hill and plain,
That, what the danger is bewildering thus
The town and neighbourhood, their eyes may learn.
The roof they gain; and lo, some twenty Moors,
Slow riding towards Salas, they discern.
But of destroying hosts, or mischief wrought,
Nothing is round the wide horizon seen;
And though the sunbeams show these Moors are armed,
No warlike purpose marks their tranquil mien.
Not of voracious kites a famished band
On the defenceless dovecot keen to swoop,
Th' advancing Moors appear; rather of storks
Kindly and sociable, a peaceful troop,
Who in soft spring-time quitting Africa,
Seek in our climes some solitary tow'r
Or pine, whereon to build their happy nest,
Shunning the tropic summer's sultry hour."

The panic created by Zayde and Mudarra and their few attendants, being thus allayed, they are courteously received; when a drunken retainer of the house of Lara, painted, somewhat unnecessarily, in the most physically disgusting state of intoxication, struck by Mudarra's likeness to Gonzalo the youngest of the *Infantes* and his own foster brother, declares the stranger to be Gonzalo miraculously revived and brought back by the patriarch Abraham to console and revenge his father. The resemblance is acknowledged by all the old

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people, and the idea that Mudarra is the dead Gonzalo revived, or his ghost magically embodied, is at once adopted in Salas.

It is needless to say that Gonzalo Gustios receives the child of his last love with delight; but not so, perhaps, to add, that his noble kinsmen and vassals greet the illegitimate Moslem scion of the house of Lara, as the destined avenger of his family wrongs and restorer of his family honours, and moreover as their future heir.

In the midst of this touching scene, arrives most unexpectedly the young Count of Castile. Hunting in the neighbourhood with his Court, Ruy Velazquez included, he had met the alarm of invasion; then, the pacific character of the inroad appearing, Ruy Velazquez had tried to make this Moorish visit a proof of Lara's guilt. Whereupon, rather to disprove than to follow up his suspicions, Fernan Gonzalez with his train had repaired to Salas. He is at once informed of the state of affairs; Mudarra implores his sanction of a judicial combat between himself and Ruy Velazquez; and now, for the first time, the idea of dishonour attached to Mudarra's birth, occurs. Velazquez refuses to fight with a bastard. The opprobrious name enrages all the Laras.

> "The blind old Lord, guided by Nuño, moves
> Tow'rd the young Count, prostrate before him falls,
> Exclaiming with such moaning as would melt
> Marble or bronze; 'Dread Sir, he lies who calls
> Mudarra bastard; he's my nat'ral son,
> For both his mother and myself were free!'"

It must here be stated that Saavedra has made a widower of old Lara, saying that the wife Doña Sancha appeared to him an awkward personage in the story; but even with this explanation the legal distinction is beyond our capacity. Indeed it does not seem perfectly satisfactory to the parties concerned. The Count offers to legitimate him; saying

> "In virtue of my sov'reign power, do I
> That solemn ceremony authorize
> By which Castilian nobles are allowed,
> As lawful, nat'ral sons to recognize."

And Velazquez declares that, legitimate or illegitimate, he will with all his heart kill the young Moslem. The ceremony of legitimation which follows is whimsical and very characteristic of the times; but not being equally poetic, we prefer abridging to translating the long description.

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The members and noble vassals of the house of Lara, in deep mourning, assemble in the decorated hall. The Herald of the Count of Castile arrives in feudal state, which strikes us to be inconsistent with his introduction through the back door; an anomaly arising solely from the poet's deviations from history. Surely, having thus deviated, he might have devised a way of making Velazquez encounter the illegitimate champion, and have deferred the ceremony of legitimation until the state entrance was honourably re-opened and Mudarra had earned a right to it. But to return. The Herald reads aloud the Count's authorization of the ceremony; when Doña Guiomar, Lara's widowed sister, attended by her kinswomen, leads in Mudarra, passes him through the sleeve of a shirt*, bringing out his head by the collar, and drops it over him.

> "The linen falls; to Lara turns the Dame,
> Thus speaking, 'God, thy losses to repair,
> Upon thee a legitimate son bestows,
> Of thy proud name, thy blood, thy wealth, the heir!'"

A parchment recording the process is subscribed with name or mark, by all present, and the Moslem Mudarra is a legitimate Castilian noble. A splendid banquet follows of which the Herald partakes in the hall, whilst his train, the Lara retainers, Zayde's Moslem attendants and a complement of the Salas rabble feast in the Court. The latter feast is the most spiritedly given of the comic scenes, besides having the merit of characteristically painting the times, in the battle royal that is fought between Christians and Mahometans *apropos* of pork and wine; it also aids the story; since, when the exertions of Nuño, Zayde and the Arch-Priest have restored harmony, and the Mahometans, obedient to the injunctions of their more enlightened and tolerant leader, have become as vinously merry as the Christians, the whim of dressing up the dog-boy in the Moorish garb saves Mudarra from the assassination by which Ruy Velazquez designed to prevent the impending duel in the lists. The scene is, however, far too long to extract; and we shall give in its stead the striking and original—in Spanish poetry most original—and much admired description of the said dog-boy and his mother—

> "The loneliness that hills and plains afford
> In which o'er love-lorn fantasies to brood,

* A Spanish proverb referring to this ceremony is still current.

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Attracts th' enamoured Moor, who all his hours
Would musing wander midst their solitude.
The first who led him through these wilds, who showed
Each various path and waterfall, each lair
Where not unlikely 'twas the bristly boar
To find, the fallow deer, or timid hare,
That dog-boy was, the drunken mendicant,
Called Vasco Perez, who Gonzalo's ghost
Discovered in Mudarra; who, although
His filthy vice from every household post
Exclude him, boasts some merits. Who
For training falcons, setting nets and snares?
Like him, who pointer or fleet greyhound breaks?
Who the cross-bow or hunting spear prepares?
And in his sober moments, few in truth,
He was so serviceable, was so gay
And entertaining, ballads of times past
Singing and many a merry modern lay,
That most abundantly he gathered alms,
And at all taverns was a welcome guest.
Young boys still followed him, at sober hours,
All open-mouthed, earnest, of songs in quest;
Or, when to'th'gullet he was full of wine,
With hoots and yells, with stones breaking his head,
Tearing his ragged jacket and i'th'snow,
Or muddiest kennel rolling him as dead.
But drunk or sober, loyalty and love
Most reverend, to Lara's house he bore,
To the betrayed *Infantes*, most to him,
His foster brother and kind lord of yore.

* * * *

Vasco, when he Mudarra's confidence
Had won, addressed him his young lord t'engage
To visit the remote and lonely hut
Where pined his crippled mother in old age.

* * * *

Elvida she was named, in childhood bred
In Salas palace, whilst prosperity
Shone on the Lara race; and in her youth,
Being most beautiful and wild with glee,
She many fortunes and adventures ran;
Till past her spring, her summer well advanced,
She wedded an old gardener, of which match
The fruit was Vasco. Even then it chanced
That Lara's consort bore her youngest son,
Gonzalo, born upon his mother's bier;
And when the lady died, Elvida came
The helpless infant at her breast to rear."

Elvida, passionately attached to her nursling, appears to have excercised the capricious tyranny proper to a wet-

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nurse, over the whole Castle of Salas until the catastrophe of the family; being, nevertheless, unable to procure for her own idle, mischievous and impudent son any better office than that of dog-boy. The death of the *Infantes* turned her unsteady brain; she quarrelled with her son for escaping alive from the field where Gonzalo fell; and, being expelled from the Castle with the rest of the household upon the confiscation of the property, she had sometimes disappeared from the neighbourhood, sometimes flitted about it like a ghost, supplied with food by the peasantry, to avert, by propitiation, her evil eye.

" Latterly she to Salas and returned
Sickly and fleshless, in pacific guise;
So different from all she e'er had been
Few could the altered woman recognize.
Unto her son she then was reconciled,
Caressed him fondly, and maternal love
Resumed its natural fervour in her breast;
With him for months she was content to rove,
A beggar, at farm-house, inn, convent grate;
Humble and tranquil, but with intellect
Confused and dreamy, indicating plain
The sovereignty of reason had been wreck'd.
Crippled at length by palsy, she resolved
In that poor hut, a shepherd's refuge erst,
To shelter her, and thence she never moves.
Her glitt'ring eyes, still blazing with the first
Enthusiasm of youth and frenzy's fire,
Contrasting strangely with her altered face
Of snow and ashes, corpse-like, motionless,
But showing in deep furrows many a trace
Of passions terrible and uncontrolled;
Her silver locks, that all dishevelled stream
Over her neck and shoulders; her long arms,
That formed of bones and sinews only seem;
Her lofty stature and her voice, at times
So sharp and shrill, at others deep and hoarse;
The scanty tears, that, as she stands mute, stiff,
Immovable, adown her wrinkles course;
And her unusual mode, fantastical,
Of wearing rags, in age and hue unlike;
All these, with such sensations as the tongue
Fails to explain, on the beholder strike.
Yet time th' impression may not so efface
But ever and anon 'twill be renewed;
An image sudden rising on the mind,
In sleepless nights, in dreary solitude.

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* * * *

When first Mudarra entered, at the sound
Her head, like head of corse by magic rite
Compelled to move, the living scarecrow raised
And turned, her eyes wide-staring, glittering bright,
Rivetted on the youth; then o'er her face
Came colour, life, expression; suddenly
She started up with such unwonted strength
As terrified her son. A piercing cry
She uttered of astonishment, exclaimed
'Tis he! no doubt remains!' and to her breast
Impetuous clasped the Moor, whilst on his cheek
And brow she rained her tears, her kisses pressed."

Mudarra, touched by the old nurse's love for his slain half-brother, supports her, visits her every evening and gratifies her by partaking of the little dainties she provides for him. It is on a visit to Elvida's remote hut on the banquet night, that Vasco Perez in his Moorish attire, and imitating his new master, as a frolic to deceive his mother, is assailed, instead of Mudarra, by the emissaries of Ruy Velazquez; his cries bring the real Mudarra to his aid, and the appearance of two Mudarras scares away the assassins. A subsequent attempt to poison him, by means of Elvida's insane fancies, is likewise frustrated by accident.

The ninth and tenth *romances* are devoted to Ruy Velazquez, whom they paint as a wantonly cruel tyrant in his capacity of prime minister, and as, at home, a fond father hen-pecked by a faithless wife—this last, by the way, we take to be calumny, inasmuch as history lays only fierce not tender delinquencies to the charge of Doña Lambra. He is now, however, a childless widower, and we see the stout warrior and haughty despot on the eve of the judicial combat, in disgraceful intercourse with the banditti whom his dread of the issue of the morrow's duel, wherein his conscience presages his inevitable fall, has driven him to employ. The scene in which the outlaw emissary details to the minister the foiling of an ambuscade prepared for the destruction of Lara, Mudarra, Zayde and Nuño, on their way to Burgos, by the casual intervention of the half crazy, paralytic crone and her drunken son, is clever; but Don Angel produces effect rather by minute touches, by a sort of Richardsonian detail, than by bold strokes, and, therefore, to show the merit of his portraiture would require a far longer extract than we can now afford space f

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The same may be predicated of the nocturnal expedition of Velazquez, undertaken to raise a rebellion for the prevention of the morrow's duel, and ending in the cession of all his estates, not contingent upon his death but immediate, to the abbot of a neighbouring monastery, as the price of heaven's protection in the lists. A pious anchorite who bids him make public reparation to the wronged Lara, and the luxurious, rapacious and fawning prelate, are well and strongly contrasted.

The eleventh very short *romance* is filled with the combat in the lists, parts of which we must give. The morning dawns and Burgos is on the tiptoe of expectation.

" On pales, on boardings and on scaffoldings,
See congregate the eager multitude,
Battling for scanty room, then settling down
Into a mass compact, where may be viewed,
Confusedly glittering, unnumbered tints.
Upon balconies other masses spread
And group themselves, others upon the roofs
And high-peaked pinnacles awaken dread;
Others yet more, hanging, like bunch of grapes,
From grating, frontispiece, carved ornament.
Whilst swarms, excluded from the o'er thronged square,
Harass themselves in vain, on entering bent;
And failing, post them in th' adjacent street,
Where they may see the champions pass, and hear
Quick tidings of the combat. * * *
* * * *
Fronting the Count's adorned and honoured seat
Is raised on scaffolding a gallery
Hung with the blackest trappings, wherein sits,
With deathly countenance and sightless eye,
Encompassed by his kinsmen, he and they
Equally in the deepest mourning clad,
Gonzalo Gustios, Lara's lord; on whom
The mighty concourse with attention, sad
As reverend, and heartfelt compassion, gaze;
He chokes with agony; though he confide
For triumph in the justice of his cause,
Yet dreads he fortune's malice. By his side
Salas' Arch-Priest and Nuño soothe his fears.
Outside the gallery two pages stand,
In mourning garb, each holding gloomily
A downward trailing spear in his right hand;
On earth the Lara's banner hiding thus,
That, by a doom of rank injustice stained,
Presumes not, as of old, in air to float,
Until its pristine honour be regained.
* * * * *

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The sound of timbrels and of Moorish pipes
And from th' adjoining street a greeting shout
Announce the coming of the gallant Moor,
The valiant challenger; and now throughout
The crowd below, the gall'ries round the lists,
Is one sole posture and expression seen;
All tow'rds the door that opens on the left
Turn eye and face, and outstretched person lean;
Dull buzzing murmurs grow upon the air.
Thus when resounds a sudden gust of wind
And sweeps the topmost branches of the trees,
In one direction are whole woods inclined.
First, two by two, slow entering the lists,
Eight Pages of sedatest mien appear,
Mounted on coal-black steeds, and black alike
Their vests, plumes, housings, all their horses' gear.
Next come four Squires in mourning garb arrayed;
Then four aged Cavaliers, each one revealed
By his bright burnished arms, by the black stains
Hiding the blazonry upon his shield,
By his unpennoned lance along the ground
Its steel point dragging, infamy's loathed sign,—
All evidence heart-wounding as 'tis plain,—
A member of the Lara's once proud line.
Follow the Moors. In Orient's splendour clothed
Comes Caleb, mounted on a dun-bay steed,
Waving an azure standard that displays
A broidered crescent, emblem of his creed.
And now Mudarra at the gate is seen,—
Enraptured at his sight, the multitude
Hail him with shouts that make the welkin ring,
Re-echoing from distant cave and wood.
And from balcony, scaffold, gallery,
White handkerchiefs that wave upon the air,
Give movement to the popular applause,
And to the challenger kind welcomes bear.
Upon a snow-white mare, the boasted gem
Of Andalusia's plains, that, breathing fire,
Speckles the air around with silvery foam,
Rides in the gallant Moor whom all admire.
His graceful person and his beauty rare
Might almost the credulity excuse
That deemed him a portent. * * *
* * * * *
Zayde, as his Godfather of the lists,
On a cream-coloured horse beside him goes;
And after them ten mounted Moors in black,
The challenger's procession meetly close."

We omit the dresses, the now familiar ceremonies of the

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lists, the long delay of Ruy Velazquez, with the various conjectures to which it gives rise, and his entrance and procession, proceeding to the combat. The justice of his cause does not gain Mudarra an easy victory. In fact, the challenger appears to be injudiciously mounted; for after a brilliant display of characteristic Moorish agility, when the combatants at last meet in full career, the beautiful Andalusian mare cannot stand the shock of the heavy Castilian charger; she is overthrown and rolls with her rider on the plain. Ruy Velazquez turns eagerly back to kill his antagonist, whilst encumbered with his fallen steed; but his own horse starts aside,

" When suddenly, a voice ringingly shrill,
Shrieks loud! 'Hold! Hold! Monster, perceiv'st thou not
How, their fall'n brother to assist and guard,
Lara's *Infantes* gather round the spot?
Six spectres dost not see? If thou be blind,
Thy charger sees, and shuns them.' By these cries
Startled, Velazquez pauses, terrified.
And thither, whence the voice proceeds, all eyes
Are turned; there, rising o'er men's heads, appears
A vision dire of witch or sorceress;
A frightful crone whose leanness a red skirt
And inky cloak fantastically dress,
Her head a veil, disordered, soiled and torn;
Giving a sinister, unearthly air
To her gaunt form. With gesture menacing
Her arms are raised aloft, stiff, scraggy and bare.
Elvida 'tis, the wretched nurse, who seized
With horror or blind madness yells aloud
In voice of Demon to a popular air,
These verses that with horror chill the crowd.
See, the traitor, the assassin
Seas of blood surround!
Sunk by his unburied victims
'Neath the waves he's drowned!
See, for him Hell's jaws wide gaping;
Now they've gulphed him—Hear!
Hear ye not the demons yelling,
'Welcome, brother dear.'
Here ceased the beldam, as her horrid song
Broke off in bursts of laughter yet more dread;
Then with a piercing shriek she disappeared,
Down sinking in a swoon, and lay as dead."

This really striking intervention of the old mad woman and Ruy Velazquez's superstitious terrors give Mudarra time to recover his feet. The combat is renewed on foot and lasts

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long. The challenger is desperately wounded, but his adversary is slain; and we give the impressive result—

> "Mudarra rushes on the scarce fall'n corse,
> Unsheathes his sharp barbaric poniard blade,
> Severs the head from the yet throbbing trunk,
> And firmly grasping, by the thick curls' aid,
> Holds it aloft, as of his victory won
> The trophy, as the pledge, assured though mute,
> That reason, justice, had his challenge urged;
> As evidence that none might dare dispute,
> Of his illustrious father's innocence.
> Then universal plaudits wake the sky;
> The whilst in that balcony, mourning-hung,
> The Lara's seat, those pages suddenly
> Uplifting, wave the pennon now restored
> To pristine honour, and, by joy subdued,
> The blind old Lord sinks prostrate, to just Heav'n
> In speechless prayer breathing his gratitude."

The twelfth and last *romance* relates the slow recovery of Mudarra, through the tender care and leechcraft of Kerima who, arriving from Andalusia during the combat, had witnessed its close; the conversion of the Moslem lovers to Christianity and the preparations for their nuptials, which proceed as far as to the foot of the altar. There Kerima, when called upon for the decisive Yes,

> "Exclaims, 'No, never! With my father's blood
> He's stained—The voice of Heav'n, such sinful vows
> Sternly prohibiting, I hear—To God,
> I consecrate myself—Of Christ the spouse.'"

That Kerima must die or take the veil was self-evident from the moment that her lover slew her father; but we confess, to romance-accustomed ears it is an unsatisfactory conclusion to be explicitly told that Mudarra must, in the end, have reconciled himself to the loss of his first love and have taken another wife, since from him descend the Manriques de Lara.

Further criticism is we think superfluous; especially our object being more to show, in a pleasing form, the changes wrought by political convulsion in Spanish genius and Spanish taste, than to discuss the merits and demerits of a single poem, how great soever they may be. We shall therefore conclude with the remark, that the author's powers are great though to our mind, at present at least, rather graphic and lyric than epic or dramatic. In the lyric character Saavedra appears to

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great advantage in some of the smaller pieces improperly appended, against his inclination, to the long poem on which he desires to rest his pretensions to fame*.

Article V.

Report from the Select Committee on Record Commission, together with the Minutes of Evidence, Appendix, and Index. Ordered by the House of Commons *to be printed, 15th August* 1836.

There is no principle more clearly recognised in constitutional governments than this, that the people have a right to superintend the distribution of the money contributed by them for public purposes. And yet in England, where that principle is generally acknowledged, and has of late years been generally enforced, the most extraordinary misapplications of public money have taken place, and have remained long unnoticed. Parliament, the only body entitled on such occasions to guard the interests of the whole nation, is too unwieldly an assemblage to exercise the necessary superintendence effectually. The constant struggles of parties for the possession of power, the manœuvres of Whigs, Tories and Radicals, to defeat and unseat one another, are and must be the principal points upon which the attention of our representatives is rivetted. Members of parliament must be more than men before they become less than partisans. Here and there an individual struggling to raise himself into importance, devotes himself to the exposing of abuses, and no abuse is to be compared with that which dives into a man's pocket: but even such an individual, useful as his efforts become, is usually content to limit them to an attack upon an extravagant public office, an army or navy estimate, the pension list, or some other grievance, real or supposed, the mention of which will call up some sympathy among his actual or intended constituents. Meanwhile other abuses, more real and more immediate, fatten, ripen and rot, unnoticed, either because the corruption lies out of the highway, or because men are too busy with abating one, to take care of the other nuisance.

* Since the above was written, we have understood that Don Angel has succeeded to the title of his family and is now Duque de Rivas; likewise, that the ruins of the old Lara palace are still extant at Salas.

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Nothing but such a state of things can, we think, account for the little attention that has been paid in the country, generally, to the proceedings of the Commission of Public Records. At the same time, other circumstances have materially contributed to foster the ignorance and indifference which prevail. Very few persons indeed are aware of the existence of the records at all; a few lawyers, antiquarians and writers of general or county history, make up the whole mass of those who know any thing of the nature, the condition and the use of our national archives; and the gentlemen to whom the keeping of them is entrusted are from their very position those who are least anxious for a change in the system by which they are managed. A few loungers in our university or county libraries may have been led to look at the ouside of certain portentous folios, called Publications of the Record Commission, but the contents of those books are confined to the class above enumerated.

From the little interest generally taken in their proceedings, various commissions have existed without doing one single thing to remedy the evils which they were expressly intended to destroy, and have been permitted, in the course of an existence of some thirty-six years, to squander above *three hundred and fifty thousand pounds sterling* of the public money.

It is true that one or two attempts have been made to point out the mischievous working of these commissions. Sir Harris Nicolas and other gentlemen, thoroughly qualified by knowledge of the subject and zeal, have severally laid bare their faulty constitution, the irresponsible nature of their proceedings, the unblushing system of jobbing supported by them and their inefficient control over the arrangements of the Record Offices; in fine, to the efforts of these gentlemen we owe the account of the good left undone and the evil done by the Commissioners, and we may add, the ultimate appointment of a Committee of the House to take evidence, and report upon the manner in which they have discharged the trust reposed in them.

Upon the motion of Mr. C. Buller, 18th Feb. 1836, this committee was agreed to, and they have just published a Report, occupying, together with the evidence, the papers handed in and

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the indexes, about eleven hundred folio pages. The committee examined seventy-nine persons and continued their investigations for five months. The result of their inquiries we shall now lay shortly before our readers.

The proceedings of our courts of law are enrolled and committed to the custody of certain officers appointed to receive and keep the same safely, in various repositories called Record Offices. When brought from these offices in the custody of the proper officer, they are evidence in courts of justice; and this quality of admissibility as evidence constitutes them Records properly so named. But there are other documents of very early date, and in series more or less complete, which, being preserved in the same offices, are available for the same purposes, such as the Rolls of the Exchequer, and the like: and these documents are of the utmost importance in settling points of general, constitutional and family history, for which purpose, they have, at all periods, been more or less diligently used. Other documents of the same kind, and perhaps forming part of the same series, are *not* evidence in courts of justice, from having, by some accident, got out of the custody of the proper officer, into private collections, as the libraries of the Universities or the British Museum.

From the description given, it will be evident, not only that the rights of individuals must, in many cases, depend upon the safe keeping of these records, but that they are also most important documents for the historian, when he attempts to clear up the state of society in early times; to show the relations of ward and guardian, sovereign and vassal, king and subject, parliament and people; in short, to illustrate a condition of the law which has formally passed away, but whose influence still acts in the institutions and customs of our own times. And from this it follows that the utmost endeavours should be made to place such valuable documents in a safe position, not less than to make such arrangements as will conduce to the convenient consultation of them by those who may require the information they contain.

As early as the reign of Edward II. the importance of these documents was felt, and anxiety for their safe preservation was manifested: much more must it be felt now, when so much depends upon them, and when their character is of so

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important a nature as to induce the committee to make the following declaration respecting them:—

"Your committee views the public records as affording the most pure and ample sources of history, and the best evidences of the progress of civilization, of the growth of our institutions and of the manners and customs of the country.

"Your committee is fully sensible of the great and indispensable value of the Public Records in the administration of justice, and of their importance in the determination of all rights of property in tolls, dues and mines, of local customs, extents, boundaries and rights of soil, and of the several manorial rights. And although recent changes in the constitution, as the reform in the House of Commons, and in the law, as the acts relating to tithes and those which have limited the period of prescription in real actions, have lessened the practical application of certain portions of the public records in these respects, yet their value in a legal view is extensive, and in an historical view remains wholly undiminished. And your committee fully appreciates the necessity of providing for their security and preservation, and the importance of increasing the knowledge of them, and of extending access to them, as general and free as is compatible with their safety."—(*Report*, p. 3.)

Now that these are not absolutely new views, is clear enough from the continued practice of our courts, which require such records as evidence, and from the use made of the documents by our early historians: they are, obviously, also sensible and sound views. It will therefore be matter of some surprise when we state, that for many years these valuable documents have been suffered to remain in a very insecure as well as confused and disorderly condition; that a large portion of them have long been, and yet are, uncleared, unsorted and uncatalogued; and that the heavy fees demanded for searching the various repositories have acted as a check upon historical inquiry, and in some cases as a serious impediment to the administration of justice.

But these evils, attendant upon the nature of the offices and the character of the situations of the record keepers, did not pass unnoticed. It appears that committees of both Houses made numerous reports upon their condition, between 1719 and the close of the eighteenth century; and in 1800, in consequence of an address of the Commons, a commission was issued by His Majesty, setting forth, "that "the knights, citizens and burgesses, and commissioners of "shires and boroughs, in our parliament of Great Britain "assembled, having taken into their consideration the state "of the public records of this kingdom, and the necessity "of providing for the better arrangement, preservation and

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" more convenient use of the same, have humbly laid before " us a report of their proceedings thereon; and have also " humbly represented unto us, that the Public Records of this " kingdom are in many offices unarranged, undescribed and " unascertained; that many of them are exposed to erasure, " alteration, and embezzlement, and are lodged in buildings " incommodious and insecure; and that it would be beneficial " to the public service, that the records and papers contained " in many of the principal offices and repositories, should be me- " thodized, and that certain of the more ancient and valuable " amongst them should be printed." This commission consisted of twelve persons. Now it seems perfectly clear from the passage quoted, what mischiefs the commission were to remedy, and what good they were to introduce. The objects for their especial consideration have been clearly pointed out; and these objects continued to be as carefully pointed out to each successive commission, *viz.* that of 1806, of fifteen members; that of 1817, of sixteen members; those of 1821 and 1825, of twenty-four members; and lastly, the present commission of twenty-five members, framed in 1831 by the Lord Chancellor Brougham for the reformation of abuses, and now put upon its trial before the committee of the House of Commons for the strenuous upholding of them.

The objects for which these commissions have existed are stated in the body of the commissions themselves; and we agree that their order has not been accidental, but wisely selected to point out the relative importance of the duties performed. Of these, the first is the preservation, by binding, &c., of such records as are in danger of perishing, and the methodizing and arranging them; the second relates to the more convenient use and accessibility of the records thus arranged, and prescribes the formation of accurate calendars and indexes to the contents of the said records; while the third and last duty imposed upon all the commissions, save the present one, is the superintending the printing of these calendars and indexes, and such of the more ancient and rarer records as the Commissioners should determine upon publishing. The present commission goes on to empower the Commissioners in addition

" To make full and diligent inquiry into the duties of the several officers,

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clerks, and other ministers, having the care, custody or management of the Public Records, in all their several departments, and into the salaries, fees, and other emoluments and perquisites received by such officers, clerks, ministers, and other persons; and also into the rules, usages and regulations of the several record offices, and other repositories of public records; and the general course of business therein, and all matters connected therewith; and also to inquire whether any, and what reforms, alterations, amendments, and improvements, may be beneficially introduced therein, and how such reforms, alterations, amendments and improvements may be best carried into effect."

A commission framed by that destroyer of all abuses Lord Brougham, and issued to a collection of the first lay and clerical dignities in the kingdom, for so beneficial a purpose as the putting the people of England in secure possession of their ancient records, and of spending about 10,000*l.* a-year of the people of England's money, ought to be of power, weight and authority enough to accomplish the objects for which it exists. Not so this commission!

It could call spirits from the vasty deep,

but was still always liable to the taunt,

But will they come when you do call for them?

The Commissioners could send circulars to the Record Offices and make inquiries, by the good grace of those whose unfair emoluments they ought to have curtailed; but if the Commissioners could do it, it was by favour alone. They could not enforce that part of their duty by which they were distinguished from all who had gone before them. The ludicrous situation in which the present commission was placed by the imposing upon its members duties which they had not powers to fulfil, may be gathered from the following portion of Sir H. Nicolas's evidence:—

"3914. Do you not think that the Commissioners ought to have larger powers of interference in the record offices than they have at present?—I do not think it possible for a Commission to perform its duty properly, without a specific Act of Parliament giving it the necessary powers.

"3915. You are aware that, at present, the powers of the Commissioners are disputed, and that the keepers of records are not sufficiently under their control? —Yes. They have no power whatever over many of the keepers of records, who may, in my opinion, shut the doors of the offices in the Commissioners' faces if they please. They have vested interests which the Commissioners cannot interfere with."—(p. 351.)

Excellent fooling indeed, my Lord Brougham and Vaux!

We shall now take the liberty of pointing out some of the advantages which the keepers of Record Offices have to defend,

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and in a struggle for which they are by no means unlikely to shut their doors in the faces of the Commissioners.

There are many reasons why interference would be unpalatable. In the first place, it would give trouble, and record officers are likely to hate trouble, quite as much as other men; it is easier to say a record is not here, or there, than to find it; and the searcher, whose claim to titles or estates may depend upon the existence of that particular record, must not pretend to look for it himself; if he did that, the record keeper might lose a fee, or several separate fees.

Nothing can be more instructive than Sir F. Palgrave's evidence as to the *vested rights* of record keepers. Sir F. Palgrave is a gentleman whom the late and present commissions permitted, for several years, to secure a greater proportion of the sums allotted by government, than any other two persons taken together, and which amounted to nearly half the whole yearly allowance. (*Nicolas*, 3901, 3902, p. 348.) He has, moreover, published *A History of the Rise and Progress of the English Commonwealth*, in two vols. 4to.; and *A History of the Anglo Saxons*, in the Family Library, both of which works clearly show that he is very imperfectly acquainted with the laws, language and feelings of the people whose progress he professes to describe, as well as the institutions of those cognate tribes, an accurate knowledge of which is indispensable to the historian of Saxon England. Although a noble Baron did take upon himself to assert that the mantle of Selden had descended upon Sir Francis, he forgot to state that it never descended lower than his eyes, remaining before which it has produced the effects which cloaks in such situations usually produce. For these services, we presume, and the additional merits of his protest as a Municipal Corporation Commissioner*, Sir F. Palgrave was, in May 1834, made keeper of the Records in the Chapter House, by Lord Grey; he was at this time in the receipt of 1000*l.* a-year, from the record commission, and it was stipulated by Lord Grey that that should be the gross sum he was to continue to receive under the new arrangement, his salary of 400*l.* a-year, as keeper of records, being deducted from the sum paid by the Commissioners.

* Why is the report against which this well-timed protest was fulminated, not yet published? Is it still in the printers' hands? *How long has it lain there?*

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In an attempt to get some account of the services rendered by Sir Francis for the 600*l.* additional, the following very amusing statements were made:—

"4139. Under that agreement (the agreement made with Lord Grey), what is the nature of the work you have been performing for the record commission?—It is twofold, if I may so express myself. The keepership of the records of the treasury of the exchequer, was heretofore considered an entire sinecure; none of the gentlemen ever attended, and in fact none of them ever could attend, for there was no room for their accommodation. The room which I now sit in was only gained by turning out the clerks and putting them all in one room, and I considered that the rendering the keepership an efficient office was to a certain degree a portion of the work under the board.

"4140. Am I to understand that you so understood your appointment, as to suppose that the salary, as keeper of the Chapter House, was given to you for doing nothing, as your predecessors had done, and if you did something you were to have additional pay from the Record Commission?—I do not know what understanding was contemplated by Lord Grey beyond what I have told you; he imposed upon me only the duty of carrying the salary and fees to the account of the Record Commission, in diminution of my allowance from them.

"4141. Did Lord Grey tell you the appointment was a sinecure?—He did not tell me so; he told me I should hold it as my predecessors had done.

"4142. They had made it a sinecure?—Yes.

"4143. Did you consider, as you had a salary for the office, it was your right to make it a sinecure as your predecessors had made it, and if you worked at all, you were to receive additional pay?—I now make the office an efficient office, giving regular attendance. If the Record Commission were to drop, I should, as a matter of honour and propriety, continue to make the office an efficient office in proportion to the salary, that is to say, I should look after it in proportion to the salary; but, at the same time, I conceive that, legally and officially speaking, the tenure of the office is not changed; and if I were to die it would be quite in the power of the Treasury to confer it upon any gentleman they chose, not making it an efficient office.

"4144. Do you mean to say that the Government of the country has not a right to call upon the keeper of the records to make it an efficient office?—I cannot say what right the Government may have over a particular office; but the Government making no new arrangement with a particular individual, he comes in upon the footing of his predecessor, and the only duties imposed upon the office of the keeper of these records, by the construction which it has received from previously continued usage and practice, is the making quarterly reports to the Treasury of what is done by the clerks, and to keep the records safely; and in practice, no keeper of these records, as far as it is possible to trace the fact, was ever considered by the Treasury otherwise than as holding a sinecure." —(pp. 374, 375.)

A most comfortable doctrine, truly, for the fortunate holder. We have some difficulty in making out the exact meaning of the answer to 4143, but suppose it to be something of this sort; were the Record Commission to drop, that is of course the annual 600*l.* paid Sir F. Palgrave for not making his office a sinecure, to cease, we

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understand that he would proportion his attendance to the salary; that is, at 400*l.* a-year, he would look upon his place as his predecessors have, *viz.* as a sinecure; but if parliament made it 500*l.* he would be a *little* more attentive; at 600*l.* he would bestir himself; at 700*l.* a-year he might become active, and so on, till at 1000*l.* per annum he would rise again to his present pitch of zeal and care in the office which his predecessors have considered as requiring neither. We continue Sir Francis's examination :—

" 4148. Who was your predecessor?—My immediate predecessor was Mr. Caley.

" 4149. He made it a sinecure?—A sinecure is an odious term; he held the office in the same manner that his predecessors had done.

" 4150. What did he do?—What he did was to attend at the office occasionally, to look in upon the clerks, and superintend it, but not to give any personal attendance, I would express myself in this way; it was not considered an obligation upon the keeper of this office to give any personal attendance.

" 4151. What proof have you of that?—My proof is, that the Right Honourable George Rose, during the long period he held the office, never attended except once a year."—(p. 375.)

Better and better! George Rose brought forward as justification! And verily, we do not believe even he could have argued more boldly in defence of an abuse, than the gentleman upon whom we think *his* mantle, rather than Selden's, has descended.

" 4156. You say if the Treasury were dissatisfied with the mode in which your predecessors had executed the office, and they were to require you to discharge the duties in the most efficient way, you think you should be bound to do it without an increased salary?—No, I did not say that. If the Treasury were to say, we do not like this mode of doing the duties of the office, you must give an increased attendance, they alter the terms; but holding the office upon the footing of my predecessors, I claim according to the usage and custom of official business, to stand upon the footing of my predecessors, no alteration being made in my appointment.

" 4157. You claim to stand upon the footing of Mr. Rose?—I do.

" 4158. You claim to receive 400*l.* a-year for one day's attendance?—As a legal right, I conceive I might do so; I wish to have it upon the minutes distinctly, that if I chose to do so, I claim the right. Whether I should exercise the right or no, that is quite another thing.

" 4159. Is it an office for life?—Yes, it is. Of the propriety or impropriety of such an appointment I do not wish to speak; but if I was to stand upon the strict, dry, official right, I should claim to hold this office precisely upon the same terms that Mr. Rose did.

" 4160. You claim to recognise such a construction of the tenure of office, and you have been receiving additional pay for what you conceive to be the duties of the keeper of that office?—It is unnecessary to say further what the construction

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is. I claim this, the right of holding that office upon the same tenure that the Right Honourable G. Rose did, if I were to choose to do so; and if I were to die, I claim for the Treasury, my masters, the power of putting another person into the office upon the same terms as the Right Honourable G Rose, if they chose to do so.

"4161. Have I understood you rightly to state, that you receive part of the additional 600*l.* a year for the efficient discharge of the duties of keeper of these records?—I think I have been precipitate in giving the answers which I have done; for I have no hesitation in stating, that I conceive that, as a servant of the Treasury, I have no right to give any evidence that shall affect any office under the patronage of their lordships, without definite instructions from them as to submitting to such examination. I wish to state, that without retracting any thing I have said, I have spoken unguardedly and unadvisedly; because, as a servant of the Treasury, responsible only to them, I ought not to speak without their sanction. Coming before this Committee from a wish to afford information, but which, I conceive, as a servant of the Treasury, I might and perhaps ought to have withheld, I must claim that nothing I have said should at all be considered as affecting the rights or the privileges of the Treasury. I consider that in my present situation I owe a double duty to the Commission; I owe on the one side what I may call the strict letter of my contract, and on the other hand I feel that strong wish to promote their views, which a person confidentially employed by them, and having been so long employed, ought to render."—(p. 376.)

This gratitude of Sir Francis's is really refreshing, but it was deserved, and is. At the same time, what interest does he not show for the rights and privileges of his masters, the Lords of the Treasury! What anxiety lest any thing he should say, should injure the indulgent patrons of sinecures! What care lest he should put into the hands of his successor, a job one whit cleaner than when it came into his own! But, with Mr. Buller, we must still revert to the 600*l.* per annum, to divert attention from which, so much zeal appears to have been manifested.

"4162. We wish to inquire, for what duties the sum of 600*l.* a year is paid? Suppose with regard to the 600*l.* a year, you stood upon your legal right, and did not choose to do more than what you have stipulated to do, what are the duties you consider you are bound to discharge?—I consider my duty would be, under the Record Commission, to prepare and edit such works as they confided to me.

"4163. Are you paid 600*l.* a year for editing those works?—Yes.

"4164. Do you consider, besides that legal stipulation, there is any implied understanding as to any duties you are expected to perform?—So much rested upon verbal understanding, that I can hardly give you a precise answer. It was understood between Mr. Cooper and myself, that I should be generally assisting the Commission, if any thing arose in which I could be useful, and upon that understanding, I prepared those circular queries that were transmitted to different parts of the continent and of England; and I conceive, if the Commissioners were to want record information of any kind, I should be bound to furnish it to

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them: but the main, and principal and substantive employment is, preparing and editing such works as they in their discretion shall require me to do; I am bound to execute whatever works they in their discretion choose to entrust to my care."—(p. 376.)

No doubt; and to pay editorial work, copying, correcting, &c. &c. as they did before. Against this we earnestly protest; we had much rather the Commission lost its 600*l.* a year at once, than that it should throw the helve after the hatchet, and launch upon a second experiment like the Parliamentary Writs. To Sir F. Palgrave and his retaining fee of 600*l.* a-year we shall return, when we come to speak of the case of other gentlemen employed by the Commission; at present, our object is merely to show in what light record offices may be viewed.

The Chapter-House, it is true, is not so often applied to as other record offices, nor are all record keepers dependent upon the Treasury, or such conscientious servants as Sir F. Palgrave; but they have their own little vested interests too, in one shape or another; in many offices, for example, there are no public catalogues; the indexes to the public records are *private property*, and the use of such indexes must of course be paid for to the possessor of the index. Nor is this all; some of these indexes have been made by clerks employed at the public expense, and are yet looked upon as private! Nay the clerks in the offices, who in leisure hours ought to be compiling calendars and indexes for the use of the public, do not perform this duty, *lest the value of the private index should be diminished to its possessor.* (*Appendix*, p. 866.) And yet, without the information supplied by such compilations, the contents of records, furnishing evidence requisite to substantiate claims to property, cannot be ascertained! Far better would it be for Parliament at once to purchase every index, and at once to buy out, or pension off, every record keeper, than suffer such a system as this to continue for a single day. No expense, however great, can be looked upon as justly spared, if for the sake of sparing it, one single denial of justice take place.

The record offices have, without an exception, a system of fees, which are required to be paid by persons consulting the records. At the same time it is right to state, that of late years these fees have, in most offices, been remitted, when the

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object of the search was historical discovery, and not the collection of evidence affecting property. Still this is matter of favour, and perhaps, in many cases, the remission of a fee lays the inquirer under an obligation even more annoying to him than the payment of the fee itself. We ourselves have had occasion to make searches among private muniments; and have made them most ineffectually, because we felt reluctant to detain the person who attended us on such occasions, and who was obviously conferring a favour upon us. How far more readily would we have discharged our consciences of this obligation, by paying our companion for the performance of a duty.

This is, however, not to be construed into an approval of the fees in *public* offices. Large or small, we look upon such fees as an abominable nuisance. They are defended, as tending to prevent improper persons from having access to the records; in itself, a most shallow pretext. The British Museum contains ancient rolls, charters and other MSS., which, though not of record, are of the utmost value; yet no evil results from letting the public have free access to the treasures of the Museum. Nor from the nature of the subject, can the persons who consult Records be very much more numerous under an altered system, than under the present. Literary men may, in a few cases, avail themselves of the increased facilities;—for legal purposes, we contend that little or no difference will result, save one, *viz.* that Records now too expensive for suitors, will be made available so soon as the fee system is abolished. And this one result is of such importance, that compared with it, the interests of all the record-keepers in England do not weigh a scruple in the balance. Justice between man and man is the foundation and justification of all government; and rightly has it been said, that the whole machinery of our Constitution—King, Lords and Commons—exists in order to bring twelve men into a jury box: is it not then very absurd, that those twelve men shall not have all the evidence which would enable them to perform those duties which are provided for at so expensive a rate, because the search for particular documents costs too much? We assert that the fees charged in some of the record offices for

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searches, copies and the production of documents, amount to a denial of justice.

Sir H. Nicolas gave in evidence the charges made in two cases of peerage claim, the Braye and Vaux cases.

"The whole amount of fees for searches at and producing records from the Rolls Chapel, in the claim to the barony of Braye, is 110*l.*"—(p. 352.)

"The sum total for a search to prove the non-existence of a patent between the 1st and 28th of Henry VIII., has amounted to 90*l.*"—(p. 377.)

Where a man plays for a great stake, it may be thought reasonable that he should venture largely; and claimants for peerages may probably be generally able to bear such expenses; but the annals of the peers will show that even this is not always the case. However this kind of evidence and this expense might be required to establish a right of property likely to be less attractive to the vanity, or remunerative to the estate, of a claimant.

"3927. The case in issue was the case of A. B. claiming a barony?—Yes.

"3928. Is that the ordinary object for which such documents are required?—Not necessarily; some of them might be required to establish a right to an estate of lands.

"3929. Or to establish a right to a very small estate?—Yes."—(p. 352.)

We thoroughly agree with Sir Harris Nicolas that "in the "case of a poor man, such fees would amount in effect to an "absolute denial of justice." But this is, fortunately, not left as an hypothetical opinion. We have evidence to show of a case where the amount of the fees did actually prevent the search for information which might have been of material value. Mr. Hewlet, a solicitor whose practice for nearly twenty years has lain in searching ancient records, and whose evidence, extending from p. 38 to p. 54, is highly valuable, made the following statement with respect to the documents in the petty bag office:—

"762. I was employed within this month to inquire into some charity lands at Paddington; I wished to consult the references to those records, but the fee was five guineas, and I was rather limited as to expense; I left it to the parties whether they wished me to pay this fee of five guineas; they declined it. It is impossible to say whether these records might not have given me more information than any other document I could refer to.

"763. There is an index locorum to that?—Yes.

"764 A very good one?—Yes.

"765. What prevents you searching it?—The expense of five guineas. I

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might find something valuable, or I might find nothing; and I therefore seldom incur the expense without the sanction of the parties interested.

" 766. These high fees upon searches, which may or may not be useful, impose a very heavy responsibility upon you?—Yes, they do; I often do not know what to do; if I make the search, I incur that expense, and perhaps find nothing; and if I do not make the search, I probably pass over some information that might be extremely important."—(p. 51.)

To these fees, and the want of proper indexes to the contents of various offices, it has been owing, that suits have been commenced and abandoned, or not commenced when they should have succeeded; and the rights of property have been in abeyance, because evidence necessary to establish claims, could not be got at in time. (Hewlet, p. 48, 691, to 695) and especially,

" 566. Do you not think great uncertainty prevails as to rights, from the same cause?—Decidedly.

" 567. Do you not think that many actions are tried that never would be tried if the matter in dispute could be settled by a reference to these decisions? —No doubt; at least in my own case I should not think of trying actions when I had distinct proof that the matters in dispute had been decided against me on former occasions.

" 568. Do you not think there is some reason to apprehend, from the want of knowledge of such documents, many causes have been decided unjustly?— I am quite of that opinion."—(p. 41; *vide* also 553—9.)

Here then from the combined effects of fees demanded and imperfect indexes to Records affecting property, we have uncertainty and difficulty in the pursuit, or absolute denial of justice! We shall close our remarks upon this part of the subject by observing that Mr. Baron Alderson and Sir Edward Sugden consider these fees as serious obstructions to justice; and that the Vice-Chancellor and Lord Lyndhurst both state them to be subjects of constant complaint.

The Commissioners then, from want of power, want of zeal or other causes, have not fulfilled that part of their duty which imposed upon them the remedying of the evils thus so justly complained of.

It is also in evidence that in most offices a very imperfect arrangement prevails, that there are no sufficient indexes and calendars (for reasons already given by us), and that many of the Records not immediately required for legal purposes, in other words not immediately profitable to the record keepers, are not only not arranged, methodized and sorted, but that they are deposited in most improper places,

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bundled together in sacks, eaten up by vermin, covered with dust and dirt and exposed to damp, to fire and to destructive accidents.

To these points we shall cursorily attract attention, merely noticing *en passant* two circumstances of great importance. The first of these is a habit which has prevailed in many cases of allowing the clerks in record offices to act as record agents. A record agent is a person employed to find record evidence in cases of disputed property: a clerk in a record office has or ought to have the means of knowing whether such evidence exists or not: but that evidence being in fact public property, and the keeper in so far a public servant, it is in the highest degree inexpedient to suffer him to act as the agent of one party, where so strong a temptation must exist for his withholding information from the adverse party. (*Vide* Lord Dunsany's evidence at p. 704.) In the opinion of Sir H. Nicolas on this occasion, we entirely concur.

"3874. What do you mean by record agents?—Persons who make searches for solicitors. If a solicitor who is himself unacquainted with records wishes to obtain information from them, he employs some gentleman whose particular profession it is to collect evidence of that nature. Many of those persons have been, and I believe still are, clerks in record offices; but in my opinion, neither record keepers nor their clerks ought to be permitted to act as agents for private individuals, because it is in their power, when officially requested to produce all documents bearing on any particular subject, to keep back whatever may be injurious to the interests of their own clients. In the Tower (and I believe in the Tower only) each officer of the establishment is sworn to produce to any applicant every record within his knowledge, which may in any way relate to the matter in question; but if the officer happens to be the agent of a party opposed to such applicant, his duty to his own client is scarcely consistent with his oath."—(p. 343.)

The second point we have to note for the purpose of visiting it with the severest reprehension, is the practice which appears to prevail of smearing faded records with the infusion of galls, or similar re-agents, for the purpose of momentarily restoring the old writing. We are well aware that in German and French libraries this is not so strictly forbidden as it should be, and that the tincture of galls (a far less dangerous re-agent than the infusion, inasmuch as it is purified of much of the tannin) forms a part of the equipment of many librarians. But our own experience, and that is a very extensive one, convinces us hat no MS. should ever be

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touched with any composition of the sort, and that in the long run it destroys the thing which it is intended to make legible. Jamieson, the editor of the Scottish ballads, ruined some of the MSS. in the Cambridge University Library by this treatment. And if it be a mischief in the case of an ordinary MS. of ballads, how much more is it a mischief when the MS. in question is a *Record*, and the obliterator a record keeper, or record keeper's clerk? On this subject, Sir H. Nicolas gave evidence to the committee in the following terms:

"With respect to the public records I wish to mention another fact, which bears in some degree upon the question, whether the present record commission has done its duty. Every person conversant with records is aware that serious mischief has been done to them from the practice of throwing a composition over such parts as were apparently illegible, which has the effect of restoring the ink for the moment, but of afterwards turning the parchment perfectly black.

"4174. Among whom was it the custom? Among the record keepers or the clerks?—It appears to me to have been the first duty of a commission, for the better preservation of the public records, to have issued the strictest orders that nothing of the kind should ever be done. This seems so obvious, that I assume the commission must have issued a general order to that effect. Whether they have or have not done so I do not know; but only last month, a clerk, who produced a record from the Exchequer at the bar of the House of Lords, said, that he had that morning 'put some stuff' on it, for the purpose of bringing it out."—(p. 379.)

Sir Harris seemed here to have forgotten that the record keepers and their clerks might shut their doors in the faces of the Commissioners, a fact which led Sir C. Lemon to put the next question,

"4175. Have the Commissioners of records the power to issue such orders?—They have undoubtedly the power to issue such orders: whether they have the power to enforce obedience to them is another question; but if they have not power to compel obedience to so necessary a regulation, I am at a loss to conceive of what practical use the commission can possibly be."

We have already touched upon the disgraceful condition of the public records, and shown that the want of proper indexes to them is a great drawback upon the effective administration of justice in cases where titles to property must be derived from ancient documents. We did not enter into this part of the subject at any great length, because the whole body of evidence furnishes almost unanimous testimony to the mischief which results from this want, and because the statement of a *single* case is enough to condemn the system. We further coupled this question with that of fees, because the want of

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calendars and indexes accesible to the public is mainly attributable to the fee system, which renders it beneficial to the record keepers to make a knowledge of the contents of their offices entirely depend upon themselves, and their private indexes, especially in cases where they are also record agents.

We shall now proceed to point out *how* the records have been kept, and to inform our readers what sort of care is taken of documents on which the property of families and the history of the constitution so mainly depend. It is again necessary to point out that the merely legal documents are in better order than the rest, because more profitable to the keepers: yet even these are in many cases in great confusion, and are apparently only to be found by the *habitués* of the offices.

"The Secretary" (Mr. Cooper) "says, the Committee may form some notion of the state of confusion in which the records of the Pell Office were before the recent removal, when I state that alongside an issue roll of John, I found Lord Denman's Patent of Peerage."—(*Rep.* p. 17.)

Had the noble baron figured at Runnymede he could not have been placed in more inconvenient juxtaposition!

The points which necessarily attract attention here are two, first the buildings themselves, second the arrangement made, and care taken, of the records in them. On the first point it is almost unanimously stated that the great majority of the buildings are in the highest degree improper for the purpose to which they are devoted; that they are numerous and situated at great distances from one another, in various quarters of the town, so that persons resorting to them for legal or historical purposes are put to great loss of time and money. It is asserted that they are small and inconvenient; dark, damp and dangerous, not only to the parchments, but to the health of the searchers: it is further averred that they are liable to accidents by fire. The committee says in its report, p. 8. "Your Committee has seen the Public Records "deposited at the Tower over a gunpowder magazine, and con- "tiguous to a steam-engine in daily operation; at the Rolls, "in a chapel where divine service is performed; in vaults two "stories under ground at Somerset House; in dark and humid "cellars at Westminster Hall; in the stables of the late Carlton "Ride; in the Chapter House of Westminster Abbey; in "offices surrounded by and subject to all the accidents of

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"private dwellings, as the Augmentation Office and First Fruits "Office." And yet half a dozen commissions have been appointed to put these records in safety, to methodize, arrange and render them accessible, and have been allowed to spend half a million of money in not doing what they were not furnished with powers to do! Excellent legislation! Admirable administration!

On the subject of Records and their safe-keeping, we are tempted to transcribe one of the very best of the Duke of Wellington's jests.

"When the Committee of the House of Commons on the Cottonian Library made their report in 1732, stores of gunpowder, belonging to the office of Ordnance, were kept beneath Cæsar's Chapel, and there is still a magazine of gunpowder on the same spot. In 1832, the board addressed a letter to the Duke of Wellington, as constable of the Tower, suggesting the removal of the gunpowder, when his Grace replied in language that the Committee will think was rather that of a soldier than of an archivist, that if the commissioners on the public records should think that the *gunpowder* was exposed to any danger, they should apply to the Master General of the Ordnance." (*Cooper*, 1061, p. 69.)

If Mr. Canning deserved to be called the lepid consul, his Grace may put in his claim also to the title of the lepid constable; but his joke was on too serious a matter to be relished by the community, whose records, though they will never blow up the powder, may very possibly be one day blown up by it. Thus at one time over gunpowder, at another in vaults, where their repose is only disturbed by the stalagmites and stalactites which the damp forms; at a third in cellars, dirty, dark and not defended from the external air, are deposited the Records of the English nation. But they sometimes get into even worse repositories. Over gunpowder, in cellars and vaults, they may be capable of some arrangement, some classification, some sort of methodizing; but what do our readers say to sheds in Westminster Hall, into and from which they are transferred in barrows by soldiers and labourers? What will all persons who think that titles to property and materials for history are so valuable as to justify the appointment of six commissions, and the outlay of half a million of money, say to the following statements?

"Members of your Committee, who inspected these Records (in the western tower of Westminster Hall), found the dry-rot among them."—(*Rep.* p. 13.)

"4471. In what state of accessibility were they there (in the King's Mews)?

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A great portion of the records, the decrees and orders of the Court of Exchequer, and the Memoranda Rolls, were perfectly accessible, but the miscellaneous records, *which comprehended* 5000 *bushels*, were not arranged in any way.

" 4472. Were they in sacks?—They were (a few sacks excepted) in two enormous sheds. They filled above 600 sacks, each sack holding eight bushels, when I caused the contents of the sheds to be placed in sacks.

" 4473. If you supposed that a document you wanted was among those records, you had to go and hunt over the whole contents of the two sheds?—It was utterly impossible to make any search whatever in those sheds; the search would have taken many years. I think occasionally very useful documents turned up; Sir R. Inglis and Mr. Hallam alluded to several which had been found from time to time, *e.g.* Special Commissions in reference to West Harptree, and Portsmouth Harbour, &c.

" 4474. Those were found by mere accident?—Yes."—(*Cole*, p. 414.)

Useful documents *turned up* by mere accident among the national records, which are stowed away in sacks, computed by bushels, and measured by cubic feet! Let us, however, cite a little more of the last named gentleman's evidence:—

" 4590. The great bulk of those regarded as Miscellaneous Records, which comprised records of all periods from Rich. I., to Geo. IV., were heaped together in two large sheds or bins in the King's Mews. In these sheds 4136 cubic feet of national records were deposited in the most neglected condition, besides the accumulated dust of centuries. All, when these operations commenced, were found to be very damp; some were in a state of inseparable adhesion to the stone walls; there were numerous fragments which had only just escaped entire consumption by vermin; and many were in the last stage of putrefaction. Decay and damp had rendered a large quantity so fragile, as hardly to admit of being touched; others, particularly those in the form of rolls, were so coagulated together, that they could not be uncoiled. Six or seven perfect skeletons of rats were found imbedded, and bones of these vermin were generally distributed throughout the mass; and, besides furnishing a charnel-house for the dead, during the first removal of these national records, a dog was employed in hunting the live rats, which were thus disturbed from their nests. The first step taken was to divide the mass into small and approachable portions; accordingly, three Irish labourers, besides superintending assistance, together with the dog aforesaid, were employed, during a fortnight, in removing this deposit of national records, and placing it in sacks; and nothing but strong stimulants sustained the men in working amidst such a mass of putrid filth, stench, dirt and decomposition. In this removal not less than 24 bushels of dust and the most minute particles of parchment and paper were collected; 500 sacks of national records were filled from these sheds, each sack containing eight bushels; so that from this locality alone 4000 bushels of every species of record were obtained. From various other parts of the King's Mews about 800 bushels of records were collected."—(*Cole*, p. 427.)

The skeletons of these antiquarian rats and of a cat, who seems to have shared their attachment to records, were exhibited to the Committee. When first this matter was

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whispered amongst the inhabitants of the metropolis, it was asserted (and considered rather a good joke than not) that several bushels of these ancient and valuable documents had been sold to the pastrycooks, to be stewed down into what is technically termed *stock*. We have not been able to ascertain the truth of this very comical report; but we can state from the evidence of Mr. Cole something quite as deplorable for those who value records, though not quite so amusing a joke for those who do not. Though the records were not stewed down into soup, it appears they were boiled down into glue!

"4435. It has been long rumoured that upon this occasion large quantities of parchments were purloined by the labourers employed, and sold to the glue manufacturers. I can myself certify that statement to be true, for I made some inquiry of the builder employed to take down the old buildings adjoining Westminster Hall, and he informed me that he himself, at one period, possessed a very considerable collection of seals, charters and other documents found in the old building."—(*Cole*, p. 410.)

After this, we have little right to be surprised at finding public records in Mr. Pickering's sale catalogue, or hearing that at the sale of Mr. Craven Ord's books, MSS., undoubted public property, were openly set up to auction; or that on Mr. Caley's death, his solicitor restored documents, which, being found in his private house and among his private papers, might have been justifiably withheld as belonging to the personal effects of the deceased.

The second portion of the subject, *viz.*—that referring to the arrangement of the records in such offices as profess to have any arrangement at all, must be passed over more rapidly. A vast number of witnesses spoke to this point, and a good deal of conflicting testimony was given. This the committee seem to have considered somewhat strange, for in their report they have contrasted some of the statements made by one party, with those made by another. We think the matter susceptible of very easy explanation, and we are willing to deal with it thus mercifully, in order to avoid accusing one party or the other of deliberate and shameful falsehood. It seems to us that to the question—Are the records in such an office well and conveniently arranged?—two persons might in proportion to their knowledge of the subject, their attaching greater or less importance to proposed

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reforms &c., give very different answers. It is a question more or less of degree; no one can answer it absolutely, and the character of the respondent must be the pledge for his assertions. When therefore we find Mr. Cooper making statements directly contradicted by Lords Lyndhurst and Langdale, Messrs. Petrie, Stevenson and Hardy, &c. we can only suppose that he was not quite so well aware as those noblemen and gentlemen of the state of the Record Offices. And in fact, it follows from the radical defects in the commission itself that he could not be so well informed; for he was nothing but the secretary of the commission, having no power but what he derived from the commissioners, and they, appointed as they were, principally and above all to preserve, arrange and methodize the public records, were liable to have the doors of the offices shut in their faces. In fact, the probability of this occurrence seems to have been felt by Mr. Cooper; at least, he states that,

"1789. The judges of the King's Bench might, not without reason, consider the interference of the Record Board as meddling and impertinent with reference to records daily resorted to, and without which no jurisdiction could be exercised."—(*Cooper*, p. 145.)

We are of course not sufficiently in the secret to know how the judges might look upon such interference, especially under the circumstances stated with regard to the powers of the commission. But as the public, for whose advantage both judges and record commissioners exist, is very deeply interested in having the records properly preserved, it follows that if one party cannot do it, and is not allowed to do it, the other must. The commissioners cannot, therefore the judges must. Accordingly we find that in most offices attached to courts, the judges have exercised authority, either by the settlement of fees or by giving regulations for the use of the documents, and which are to be taken as the rules of the office intended to be acted upon by the subordinate officers. Unfortunately nobody connected with the public records, except indeed the record keepers and their clerks, appears to have power to do any thing; while the Record Board declares that it cannot interfere with the judges, and the judges declare that they have made regulations, it appears that such regulations are very often a mere dead letter; and the public, bandied to and fro from record board to judge and judge to

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record board, is finally consigned to the irresponsible hands of the record keeper. Respecting the records in the office of the king's remembrancer, it is thus given in evidence:—

"4440. Have any orders been made by the Barons of the Exchequer with regard to those records?—The Commissioners, in their Report in 1812, congratulate themselves that some orders have been 'provided for the more regular keeping of the Records' by the Barons of the Court of Exchequer; but the complete inefficiency of those orders, and the way in which they have been treated by the office, is exceedingly remarkable in every point of view. One of the orders is, that the 'court-keeper do not deliver out the keys of the record rooms to any person whatever except to one of the clerks in court, accompanied by the bag-bearer.' Now it happens that the court-keeper has no keys to deliver, or if he has, he does not deliver them; and that the person who keeps the keys is the bag-bearer, and not even the side-clerks, to whom the Barons order that the keys be delivered. Another order is, that the bag-bearer should not make 'any search without the presence of a clerk in court;' but a contrary practice must be well known to every person who has had occasion to make the slightest search in these records; the majority of searches are made by the bag-bearer alone. . . . The fifth order is, 'that they do not place any records in any press in the record rooms under lock and key.' The fact is that both secondaries of the office keep each a press in the stone tower under lock and key, and do not admit the public to have any access to the records deposited in those presses without payment of some additional fee."—(*Cole*, p. 411.)

The Secondaries in this office seem to be very much their own masters. Mr. Craven Ord—among whose effects sold after his death, and purchased by the booksellers, were Records of the Exchequer—was first Secondary, and *as such* obtained possession of the documents which are thus for ever incapacitated for serving as evidence in a court of justice.

So much for the Record offices, Record keepers, and the arrangement of the Records. As we have throughout insisted upon the incapacity of the commission to perform the services expressly committed to it, we should say at once, that its members are not entirely responsible for the mischiefs described. At the same time, we do not exonerate them altogether; for finding themselves crippled by want of powers, those powers they ought to have applied for to Parliament.

Nor can we pass over, without strong expressions of dissatisfaction, various attempts made to mislead the committee on this subject. If the commission was so inefficient that it could not execute the objects for which it existed, the manly, honest and fair way of proceeding would have been to acknowledge this at once; to throw the blame where it ought to rest,

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upon the framers of the commission; certainly not to make a show of doing something when nothing has been done. We are again compelled to refer to discrepancies in the evidence, which the committee have put upon record in their report.

"In the Tower, which the Secretary acknowledges to be a proper object of the attention of the Commission, he informed your Committee that 'Mr. Stevenson is now employed in sorting and arranging the Miscellaneous Records.'—(*Cooper*, 146.) 'The Board has three persons sorting and arranging.'—(*Cooper*, 152.) On a subsequent examination, the Secretary stated that three persons 'are engaged in sorting, arranging, calendaring and transcribing the Miscellaneous unarranged Records.'—(*Cooper*, 1051, *et seq.*) 'Mr. Stevenson is arranging the Miscellaneous Records at the Tower.'—(*Cooper*, 2944.) 'Previously to Mr. Stevenson being engaged at the Tower, Sir F. Palgrave, by an order of the Board, dated on the 2nd March 1833, was directed and empowered to examine, sort and arrange the Miscellaneous, unsorted and uncalendared Records and Documents in the Record Office in the Tower, and to make Calendars thereof.'—(*Cooper*, 1067—2885.) On the other hand, Mr. Petrie, the keeper of the Tower Records, says that his Records are already 'very well arranged.'—(*Petrie*, 350.) The Commission did not inform Mr. Petrie of its operations. He says he cannot tell what have been the operations of the Commission upon the Tower Records, there being no communication made as to what the gentlemen have been employed upon. He cannot state what Mr. Stevenson has been employed upon.—(*Petrie*, 3514.) Mr. Hardy says, 'the arrangement of all the Miscellaneous Records at the Tower is very good, both in classes and chronologically.'—(*Hardy*, 3607—3611.) Mr. Stevenson is asked, 'Have you been employed in arranging and sorting the Miscellaneous Records? No, I had not the power of doing so.'—'Why? I did not receive instructions to that effect.'"—(*Stevenson*, 3780, 81, 82.)—*Rep.* p, 8, 9.

To this strong and decisive statement of Mr. Stevenson's we must add a further detail from his evidence:—

"3781. Mr. Petrie, the keeper of the records there, would not have permitted me to interfere with the regulations of his office. No such arrangement was attempted by Sir F. Palgrave, and my instructions were not more extensive than his. I have reason to believe that in the minute of the Board which was sent to Mr. Petrie, no intimation was given to him that it was ever intended I should employ myself in arranging and sorting the Miscellaneous documents; had such intimation been given, this misunderstanding would have probably been removed by his representations to the Board. In fact, the manner in which I receive documents from the officers of the Tower is by tale. These documents are entered in a book, and a receipt is given for them; when returned they are restored to their former places by a gentleman of the establishment; arrangement is therefore out of my power. In compliance with the rules of the office, communicated to me by Mr. Petrie, I have made it a rule to replace each document in the same bundle in which I found it."—(p. 335.)

It is painful to be obliged to notice these discrepancies; still more painful, however, is it to be compelled to express our conviction that such statements of the secretary were

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merely made to meet a charge of extravagance on the part of the commission. The naked fact of the commission having squandered many thousands of pounds merely in printing books of comparatively little general value, would have been too startling even for the worthy emulators, defenders and successors of George Rose! The only office over which the commission seems to have had any power was the Augmentation Office, which they somewhat irregularly got into their hands at the death of one of its officers; and here improvements were made, and would have continued to be made, but for a personal quarrel between Mr. Cooper and Mr. Cole, whose very valuable services were thus lost for a time to the public.

Of all the matters entrusted to the commission but one remains—the editing of such ancient documents as they should think it desirable to publish; and this, the only thing which they appear to have had powers to do, they have very naturally bestowed their exclusive attention upon. Unhappily they have had more zeal than discretion; and the evil results of their labours are such as to excite the indignation of all honest well-wishers to historical inquiry. It seems self-evident that the first step the commission ought to have taken was to ascertain the exact contents of all the record offices; this done, they might have selected such portions as were of particular value, committed them to men of distinguished ability, and thus published what no individual could attempt, and no bookseller would undertake as a speculation for profit. Far from doing this, they began to publish all sorts of matter, some imperfect, some unimportant; and clearly manifested a far greater anxiety to put *good things* into the hands of a few individuals who had interest with members of the commission, than to do the public work well and effectually. We by no means confine this charge to the present commission, whose works have been comparatively well executed, but we do not exclude them from the accusation.

Sir Robert Harry Inglis, one of the commissioners and one of the committee, and who thus stood in the unseemly situation of judge, advocate, and defendant, put many questions to the witnesses in order to obtain opinions favourable to the works published by the commission. For the purpose of giving a number of influential gentlemen an opportunity of praising

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these works, sets were sent round the courts of law; Record publications were showered on the astonished heads of Judges, Serjeants, King's Counsel, and Commissioners of various denominations, and these gentlemen were then brought up to declare what benefit they had derived from an eight or ten days' perusal of the costly volumes. As might be expected from such pains, a fair quantum of approval was *borrowed* for the Record books; for, as the latter were nominally *lent* to these gentlemen, we cannot venture to say that their praise was purchased*. But really this was not at all the question in dispute. No one could affect to doubt, that these books—defaced as some of them notoriously are by errors of all sorts—were not of service to literary men, especially writers of topographical histories. All that was ever contended for was, that these books had cost infinitely too much money, had been made the means of scandalous jobbing, and that the large sums squandered upon them might have been far more profitably turned to other uses. It was argued, and with great justice, that a commission, burthened with the debts and liabilities of its predecessor to the amount of some 24,000*l.*, and not at all likely to obtain more than the annual grant of 10,000*l.* from Government, ought to have acted upon a system of rigid economy; that it ought to have proceeded with great caution in making new and expensive arrangements; that it ought to have insisted upon a diminution of the scandalous and expensive item of *correction* in the books edited by its sub-commissioners and others; that it was a gross breach of propriety in such commission to purchase large collections of Swedish, Danish, German, French and Latin books, under pretence of establishing a school of young transcribers, which school, if it exist at all, neither can have nor has had any occasion to use nine-tenths of such books; finally, that under the circumstances of the case, their reprinting articles from the *Quarterly Review*, appendices to works not in existence, and filled with Anglo-Saxon legends, glossaries, &c. no one word or line of which had the slightest bearing upon the history of England—and while another work literally calling itself *Materials for the History of England* was being printed under their superin-

* Vide *Cooper's* Evidence, 7869 to 7905, pp. 676, 7, 8.

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tendance,—was a gross breach of their duty to the public and a shameful waste of the funds placed by Parliament at their disposal. All these charges have been fully confirmed by the evidence, and will not be rebutted by the favourable testimony which various gentlemen—examined merely as to the advantage they may personally have derived from the books in question, without reference to their costliness—may have thought proper to give.

We are ready and willing to allow the commissioners all the credit which they deserve for the works which they have edited. Let them take it—the good set off against the bad: but still we contend that the large sums which have passed through their hands ought to be balanced against the account, and that here their especial care and earnest determination to adopt a really economical system should have been manifested.

As our limits compel us to pass very rapidly over the several matters which this inquiry brings before us, we shall for the present content ourselves with pointing out some of the gross derelictions of duty which the commissioners have been guilty of. At the same time, we would not willingly do them wrong; we agree that a majority of their books are superior to the books of the late commission. We happen to have seen in the hands of a distinguished foreign professor, a certain number of sheets of the Anglo-Saxon Laws, prepared by the late Mr. Price for Mr. Petrie's work the *Materials for the History of England*; and we agree most fully with that learned professor in saying that their execution is so faulty as to render it the duty of the commission to fling the whole mass of sheets behind the fire. We are willing to give the commissioners full credit for replacing Mr. Price by Mr. Thorpe, a man thoroughly qualified to execute a national work of the kind in a manner worthy of the nation. We shall still further feel inclined to praise them if the report which we have heard be true—that, without regard to the expense already incurred, they have cancelled all the sheets of Mr. Price's most inaccurate and faulty edition. We will also give them credit for putting a stop to the preposterous edition of the *Parliamentary Writs*, a work which swallowed up a most disproportioned amount of their annual grant, and for their appointment of Mr. Stevenson as a Sub-commissioner. But here our praise

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must cease; and we fear it will hardly overweigh the blame which must attach to them for nearly all their other proceedings.

We hold it of importance to inquire upon what principle of straight-forward dealing the commissioners can justify the settlement of 1000*l.* per annum on Sir F. Palgrave, knowing the discontent which all persons qualified to judge upon the subject had expressed respecting one publication of that gentleman, on account of its exorbitant expense, and at a time when they were 24,000*l.* or more in debt, and knew that 10,000*l.* a-year was the utmost Government would give them? We ask, how they will attempt to justify the grant of a pension of 500*l.* a-year to Mr. Caley—as distinguished a jobber almost as the Right Hon. G. Rose, whom he succeeded at the Chapter House, and a man who had already obtained immense sums from the preceding commission? We ask, why they allowed their Secretary to make his annual salary of 500*l.* cost them nearly 1,200*l.*? Why they paid four young gentlemen 40*l.* a-year for copying useless MSS. in the reading room of the British Museum*, merely that they might have four names to show, if questioned by Parliament respecting the "apochryphal school of young transcribers?" Why they collected a large, expensive and inaccessible library of books for the use of that same apochryphal "school?" Why they printed Essays, such essays not being records or ancient documents; Saxon poems and interlinear glossaries, not being of value to the historical inquirer? We would ask why they allowed sums to be squandered abroad upon persons who not only have performed their work most indifferently, but now laugh at the spendthrift English, by whom they were paid for their labour ten times what they could have earned at home? We only wish we could have put Professor Warnkönig, or his brother-in-law Dr. Mone, in the witness-chair of the committee; they might have given some information which would have proved extremely illustrative of the foreign proceedings of the commission. Finally, we ask

* The return given by the Secretary places the locality of this "school" at the British Museum; a statement which is very likely to mislead. With that institution the "scholars" have no more to do than any other four of the ten thousand readers and transcribers who are admitted by means of reading tickets. We presume the "young transcribers" are sent to the museum for the purpose of sparing the expensive library purchased for their use.

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why, knowing that its inherited debt was so great and its own income so moderate, this present commission ventured to continue a career of extravagance which leaves its present deficit little less in amount than that of the last commission?

To these questions we, on behalf of those from whose contributions these sums are supplied, and for whose benefit they should have been applied, demand a plain and categorical answer. To Sir R. Inglis, Mr. Charles W. Wynn (also a commissioner and member of the committee), or any other member of the commission in the House of Commons, we shall look for that answer when the matter is brought before Parliament.

The commissioners have only one way left them of escaping from the difficulty, and that is, to throw the odium of all their proceedings upon their secretary. But this will not be attempted by honourable men; *qui facit per alium, facit per se.* They should have exercised such a superintendence over him as would effectually have prevented him from betraying them into the unpleasant position in which they stand; not having done so, they cannot shift the responsibility from themselves to him. Moreover, some of these acts of the Commissioners are really their own, and not the secretary's; such is the agreement with Sir F. Palgrave, which is fixed by a minute of the board, March 9th 1833, in the following terms:—

"Present, the Right Hon. the Lord Chancellor, the Right Hon. the Speaker of the House of Commons, the Right Hon. the Lord Clerk Register of Scotland, the Right Rev. the Lord Bishop of Llandaff, the Right Hon. C. W. W. Wynn, M. P., Sir Robt. Harry Inglis, Bart. M. P., Louis Hayes Petit, Esq., Henry Bellenden Ker, Esq., Henry Hallam, Esq., John Allen, Esq., Edward Protheroe, Esq., and William Brougham, Esq., M. P.

"The salary of Sir F. Palgrave as Sub-commissioner for the Formation and Publication of Calendars of the Miscellaneous, unsorted and uncalendared Records at the Tower, as Superintendent of the Transcription of the Foreign State Papers, Pipe Rolls and other Records and Documents, as Editor of the Parliamentary Writs, &c. &c. &c. RESOLVED, That the sum of 1000*l.* per annum, payable quarterly, be tendered to Sir F. Palgrave for his services to the Board, under the orders already passed for his employment, and under any other orders to be issued through the secretary to him, such salary not to be considered to preclude Sir F. Palgrave from any avocation or employment not inconsistent with his duties under the Board, and Sir Francis being to make reports of his progress to a committee of inspection three times in a year."—(*App.* p. 891.)

Here then we have a goodly array of commissioners giving one sub-commissioner a salary more than double that of any other person in the employ of the board, and inserting no

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stipulation as to the amount of work to be annually performed for such salary, nay more, coupling the appointment with a clause which allows the fortunate representative of George Rose to accept other employment, so long as that shall not be inconsistent with duties under the board, which duties are left utterly undefined. The consequence of this arrangement was, that Sir Francis became a Municipal Corporation Commissioner and published a learned protest which, with the other duties incidental to his situation, prevented his attending the Tower except to a very trifling extent (Palgrave, 4349—4358, 5272. Hardy, 3582—3587), although this service is expressly named in the agreement made with him: he was to form and publish calendars of the records in the Tower, and how did he perform this duty?

"3582. How large a portion of his time did he apply to making calendars, or in any other work, in the Tower?—To making calendars he applied no time, for I know of none that he made."—(*Hardy*, p. 309.)

An equally noble and learned board, containing many of the gentlemen named above, met on the 26th of May 1831 to give Mr. Caley, the secretary to the last commission and the person to whom so many of its improper proceedings were owing, what Sir H. Nicolas (p. 349) and Mr. Protheroe (p. 119, 673,) look upon as a pension of 500*l.* a-year, and which Mr. Cooper's statements (p. 673, 710,) do not induce us to look upon in any other light; at the same time, we beg to call attention to the fact, that in addition to the immense sums that gentleman had drawn from the commission to which he acted as secretary, he was in the possession of two lucrative sinecures (one, the keepership of the Augmentation Office; the other, Sir F. Palgrave's and Sir G. Rose's sinecure of the Chapter House), when this 500*l.* a-year was voted to him.

Thus far the commissioners must be answerable for acts of their own; they must, however, be answerable for Mr. Cooper's acts also, since he had no power but what he derived from them, and ought to have been allowed to incur no heavy expenses without their knowledge. Of the school of young transcribers, which many witnesses did not believe to exist, and of which the commissioners seem to have known as little as of the rare and costly library purchased for its use, we shall not say much. It professes to be an imitation of the

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École des Chartes at Paris, which institution has certainly produced one or two good pupils: but to the École des Chartes, as far as we can gather from the description given of it, it bears no earthly resemblance. We are of opinion that a knowledge of what is technically termed *diplomatique* is a good thing both to antiquarians and others; and were there *one* Record office, should not be sorry to see a school of the kind attached to it for the purpose of educating future record clerks. For what further use it could exist, we are unable to say; if indeed, English philology were to become matter of general study in England, we might expect an Anglo-Saxon professor at Oxford or Cambridge to give a course of lectures on the subject, as one of the Grimms does from time to time at Göttingen; but till then, we must repeat that we can see no use whatever in the establishment of which Mr. Cooper seems so proud.

Upon the appendices to *The Report upon Rymer's Fœdera* we are inclined to say something more; first, because they have cost a good deal of money; secondly, because some members of the commission and committee did their utmost to throw their shield over the secretary; and, thirdly, with great respect be it said, because the committee seemed to be very much in the dark as to the subject in general. It appears that various books have been printed, compiled by various persons from various sources, and are to serve as appendices to a report which Mr. Cooper is, some day or other, to produce on the expediency of continuing *Rymer's Fœdera*. One of these appendices consists of a catalogue compiled by the secretary, as he himself relates, from above 2000 vols. principally folio, in all languages, and professes to give an account of the materials for English history existing on the continent. That such a work, if well performed and not too expensive, would be a valuable one, we shall not deny. But this particular appendix, it appears, is far from being well executed; it is extremely defective, not containing much that really exists in various libraries; it is extremely redundant, containing much that exists no where at all, and much which, if it exists, is of no value to English history; and, finally, it is exceedingly inaccurate, partly from the notices being taken from books whose accounts do not apply

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to the present condition of the foreign libraries, partly from a want of geographical knowledge manifested by the compiler*, and perhaps most of all, from his not being particularly conversant with the languages in which his 2000 folio authorities are written. A second appendix (B) contains a portion of the Anglo-Saxon Canons, commonly called Edgars, a portion of Archbishop Ecgbert's *Pœnitentiale*, some interlinear Anglo-Saxon glosses from Brussels, some specimens of the Anglo-Saxon psalter at Paris, a number of poetical legends on religious subjects from a MS. at Vercelli, some more interlinear glosses from a MS. at Boulogne, ditto from a MS. at Epinal, and a few fac-similes of letters, MS., &c., for the use of the "school of young transcribers."

Now this volume which, from its very nature, must be extremely expensive, caused a good deal of discussion. It was vigorously attacked by the chairman, as vigorously defended by Sir R. Inglis; it was, moreover, strongly asserted by the secretary that it was of great value, and that it furnished important illustrations of the Anglo-Saxon laws and chronicles. As the committee did not manifest much acquaintance with this part of the subject, we shall take the liberty of supplying them with a few *data* for an opinion as to the utility of this collection. The learned member for Oxford will certainly allow us to set him right upon one or two points; for though, in his zeal to defend the commission, or the secretary, he drew forth some answers which are generally true, in this particular case they do not apply at all. Sir R. Inglis, rightly judging

*Among the libraries mentioned in Appendix A, was one at Sieben Bürgen, which it appears had been entered as Sieben Gurgen, and was bantered by the chairman under the translation "seven cucumbers" (gurken). Mr. Cooper declared it to be a clerical error, and then proceeded to enlighten the Committee as to the locality of the Siebenbürgen. "I take it it is a town upon the Rhine" (p. 213); this seemed to satisfy the Committee. Still we would venture to suggest to them that the Sieben Gebirge (seven hills) near Bonn on the Rhine, are seven barren mountains, on the loftiest summit of which stands not a library but the ancient ruin of Drachenfels; while Siebenbürgen, in Transylvania, the place meant by Mr. Cooper, was an ancient Roman town, is remarkable for the antiquities constantly discovered there, and for the educational institutions established by the Bishops who took their title from it. This geographical display in the Committee is almost as good as that of the *Attaché* who on coming upon the Danube not far from Vienna, exclaimed "What a rum river this Rhine is! Why it flowed behind us three days ago!"

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that poetical pieces may sometimes be of use as illustrations of history, puts the following question:

"3080. You have been asked several questions in reference to ballads. The song of Harmodius and Aristogeiton, the sagas of the Runic poets, the death song of Regner Lodbrog, and many of the lays of the Troubadours are quoted, not merely in illustration of manners and opinions, but as the authority or confirmation of facts in history; do you consider that an analogous use of similar materials is justifiable in respect to the History of Britain?—I do; I think that before such a work as the Materials for the History of Britain is completed, extracts should be obtained, not only from all the Latin and Italian writers, but from the sagas of the Runic poets."—(p. 269.)

We will say nothing about the absurdity of the word *Runic* as applied to poets, because we presume that neither Sir Robert nor Mr. Cooper know any thing about the poets whom they so ludicrously name, or the meaning of the word, but we will at once suppose that the odes or ballads of the Edda are here intended. Now though we admit that the lays of the Troubadours, being the compositions of persons historically known, and whose names, age and country are in general, perfectly ascertained, are capable of furnishing materials for history, still we cannot go so far as to extend our observations to the legends of Odhinn and Thorr, the depositories of *mythology*, not *history*. We presume that Sir R. Inglis does not know that Regner Lodbrog's death-song is about as authentic a material for history as the Vaticinium Merlini, so common in our libraries. But supposing all this to have been as accurate as it was the contrary, what justification is it for appendix B?—What is there of the sort in appendix B?—Nothing whatever.

We shall be as ready as any person to admit that the Anglo-Saxon poems on the death of Beorhtnoth and the battle of Brunanburh, or the Norman French poem on the conquest, or Minot's accounts of the Scottish wars, ought to find a place in the "Materials," because they refer to historical periods, and are the compositions of eye-witnesses of the facts described. We would even go so far as to insist upon including *some* of the lives of saints in such a work, because, amidst much fable, there is a little history: but how does all this justify appendix B?

The only historical matter in this appendix are the Canons and Pœnitentiale, taken from a very poor MS. at Brussels, already extant in Wilkins's *Anglo-Saxon Councils*, and printed at

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length by Professor Mone in his *Quellen und Forschungen*, p. 482—548. The Anglo-Saxon glosses, which are of no use whatever to the historian and but of little to the philologist are printed in the same professor's book, p. 314—323, a fact not unknown to the learned editor of Appendix B, who cites Mone for a passage wanting in Mr. Cooper's copy. The specimen of the Anglo-Saxon Psalter at Paris was doubly improper, because, in the first place, a translation of the Psalms of David is no material for English history, and in the next, because that very psalter is printed at full length and published by the delegates of the Clarendon press, for whom it was prepared by the editor of Appendix B. The Vercelli fragments are metrical lives of the Apostles and other religious legends, most probably paraphrases from the Latin; and however valuable they may be to the philologist, they are neither illustrative of the laws nor the chronicles of the Saxons.

We do not very well understand one of Mr. Cooper's assertions; it seems to us as if he meant to state one of these fragments about which he was a good deal badgered, to be of especial value; it is an address of the departed soul to the body, and is just such a piece of monkish morality or theology as one very commonly finds at the period to which these poems must be attributed, both in Saxon and Latin, and from the Latin we do not doubt that this piece was taken. But if it be so very valuable, it is a pity that more attention has not been paid to the somewhat better version of it in the famous Codex Exoniensis, at Exeter, or the fac-simile of the same among the additional MSS. of the British Museum. Some one was good natured enough to suggest that it might be the address of the departed soul of King Alfred, and it was agreed that, in this case, the address of the departed soul might be a valuable material for history: we are sorry to be obliged to dissipate so pleasing an illusion. We are also sorry to differ very much from Mr. Cooper, if he includes Appendix B among the *historical materials* thus referred to by him;

2198. In my humble judgment, the money applied in procuring these historical materials from the libraries and archives of the continent, has been employed, not only in a manner more conformable with the object of the commission, but in a way more advantageous to the public (always supposing that history has its value) than if it had been spent in making indexes to writs of latitat, capias, and quominus."—(p. 191.)

For Mr. Cooper we are, we confess, unfeignedly sorry.

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Whatever errors he may have fallen into, whatever improprieties he may have been guilty of, and we will neither deny nor palliate them, we still think that he has been betrayed into them by the extreme carelessness and culpable negligence of the commission itself. Allowed to act almost entirely at his own pleasure and subject to no effective surveillance, he has been suffered to consider himself "the Commission;" he might have said, like other despots, *L'état—c'est moi!* It is therefore no wonder, if he, like other irresponsible functionaries, has strained his tether till it cracked, and been thrown down by the recoil. Of his proceedings the great majority of the commissioners appear to have been in utter ignorance, and we most sincerely wish that we could learn the names of the two or three individual members whom he states himself occasionally to have consulted, that we might call down upon them their merited share of public attention. This was a situation which might have overthrown the prudence of a stronger-minded and less vain man than the secretary. Accordingly he yielded to the temptation.

Nemo repentè fuit turpissimus, and even Mr. Cooper seems to have begun well. When applied to, to become secretary, he frankly said that he would not and could not suffer his new duties to interfere with his professional avocations. This was upright and honest on his part, and ought to have prevented the commission from appointing him their officer. An officer upon whom they knew that all their duties must devolve ought to have had no employment which could, by possibility, interfere with the due discharge of those duties. But all this was overlooked; and Mr. Cooper, named secretary, to do as much work as he had time for, entered upon his office. He commenced by declaring himself a reformer; he attempted to put a stop to one of the most grievous jobs of the preceding commission; he compiled books upon the Records and Record Offices, showing the abominable carelessness, and blaming the exorbitance of the fees, which prevented effective public use of the national archives; he united with Sir H. Nicolas, the strenuous opponent of record abuses and the overthrower of the late commission; he even condescended to put his own name upon statements and pamphlets drawn up by that gentleman and others.

But reforming abuses gives trouble, creates ill-blood, and

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puts coldness between friends; while "let well alone" conciliates amity, strews roses instead of thorns, and makes the world run smoothly. A change came over the spirit of the secretary's dream; of his own accord, or perhaps, at the suggestion of his nameless friends in the commission, he ceased to stir the waters that good might come; and the pool, stagnant as before, continued to repose and to bring forth its corruption in genial stillness.

But for foul pools to be prolific the sun must shine upon them, and the sun of the commission, *videlicet* the Treasury, would not shine: money was not forthcoming to pay the debts of the late commission, the debts of the present commission, the large salaries of some favoured sub-commissioners, and the expenses of the library for the young transcribers. Parliament shook its head ominously at a body which had wasted so much public money, and done so very little public good; the fear of Joseph Hume was in the eyes of the commissioners: at this inauspicious moment, the secretary chose to quarrel with some of the employés of the board, and certain revelations which have consequently been made, have led to the exposure of his proceedings, and must imperatively lead to the dissolution of the Commission.

We believe difficulties with regard to money to have lain at the bottom of these quarrels, but the sparks of discord were fanned into a flame by another cause. In the exercise of that authority which had been most improperly surrendered into his hands, the secretary had determined to be absolute; he had, therefore, avoided entering into such engagements with some of the gentlemen employed in editing works for the board, as would make them independent of himself. Although he had styled these gentlemen in his letters, "Sub-"commissioners," although he had even recommended some of them so to designate themselves, and had thus led them to believe themselves dependent upon the board and not removable at the pleasure of the secretary, he had still retained in his own hands the power of dismissing them at a moment's notice, and had, literally unknown to themselves, thus kept them in the situation of his own *private clerks*.

As this happens to be a matter of much importance, we beg attention to the following evidence:—

"3532. In Mr. Cooper's letters respecting you, or to you, has he treated you as a sub-commissioner?—He has frequently so denominated me.

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" 3533. In his letters?—Yes; and especially in one letter, wherein I recollect having applied to him for some of the record publications, to which I was entitled as being a sub-commissioner; upon which he immediately sent me an order upon Messrs. Baldwin and Cradock, in the following words: 'Be pleased to deliver to Mr. Hardy, one of our sub-commissioners,' such and such works; and in his letters to me he has also called me a sub-commissioner.

" 3535. Did you not think that the designation of sub-commissioner evidently showed you were employed by the board and not by Mr. Cooper?—Unquestionably, I conceived that I was in the employ of the board."—(*Hardy*, p. 306.)

And under this conviction Mr. Hardy advanced money "frequently and to a considerable amount," to his clerks and transcribers, which he "would never have thought "himself justified in doing, upon private and individual "responsibility." See also similar evidence (*Protheroe*, 2099, 2100, 2101; *Cole*, 4735, 4736) where the last named gentleman asserts that Mr. Cooper directed him to style himself Sub-Commissioner. Now, this is no idle question of title; it involves the very important point, whether a person be or be not dismissable at the secretary's will and pleasure. Mr. Cooper having some dispute with Mr. Hardy abruptly put an end to his engagement; consequently, Mr. Hardy appealed to the board, and the board, finding no minute of the appointment of that gentleman as a sub-commissioner, declared him to be Mr. Cooper's private clerk and subject to Mr. Cooper's control and dismissal. The nature of this position requires no comment; what gentleman of education and feeling would subject himself to this sort of annoyance? Mr. Stevenson says very distinctly, "I should not have left the situation which I "held in the British Museum, to accept temporary employ-"ment under Mr. Cooper," p. 331. We hardly know which to blame most, Mr. Cooper for conducting himself as he has done towards Messrs. Cole and Hardy, or the board, which knew so little of his proceedings, and committed into his hands power so easy and so likely to be abused.

The board, it appears, has three sub-commissioners: Sir F. Palgrave, engaged at a salary of 1000*l.* a-year, to give what portion of his time he pleases to the commission; the Reverend Jos. Hunter, at 300*l.* a-year, for which he was yearly to do work equal to the editing of two octavo volumes, and to give up his whole time to the service of the commission; Mr. Stevenson at 250*l.* a-year, and, like Mr. Hunter, to be

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paid for extra work, according to quantity. This diversity of salary certainly strikes one as something very strange, and its results have been extremely unpleasant; for Sir Francis, having been lucky enough to make his bargain in good time, has been the very means of cutting down the salary of every one else; and not being at all tied to time, publishes very much at his leisure.

But we have something more to add upon the subject of Mr. Stevenson's engagements. When first applied to by Mr. Cooper, he was told his salary was to be 400*l.* a-year (*Stevenson*, p. 332), of which, 300*l.* was to be actual salary, and 100*l.*, remuneration for work done out of office hours, with which Mr. Cooper undertook to keep him constantly supplied; within a few months, however, and before any payment had been made, the secretary informed Mr. Stevenson, that, in consequence of his having engaged Messrs. Brewer and Black, he found he was unable to pay Mr. Stevenson the salary agreed upon; he therefore threw himself upon that gentleman's mercy, and stated to him, that Sir F. Palgrave, Mr. Hunter and Sir H. Nicolas had consented to a diminution of salary (*Stevenson*, 3756); Mr. Stevenson then naturally consented to receive 250*l.* per annum as salary, during the temporary difficulty of the board; on this subject we shall make an extract or two.

" 3759. When you consented to receive for the second year 250*l.* salary, did you calculate upon having the promise fulfilled of making 100*l.* a-year by extra work?—Yes, I took care to make that a particular proviso; and as Mr. Cooper did not make this arrangement with me in writing, I had no other means of getting it put upon record than by writing a letter to him, in which I stated what my understanding was upon the subject, and at the same time begged him to correct me in any point where I might be in error."

" 3760. Did you receive any answer from Mr. Cooper on that subject?—The arrangement which I have just mentioned, took place on the 25th of August, 1835; upon the 30th of September I received Mr. Cooper's answer to my letter of the 25th of August, in which he told me that my statement was perfectly correct as far as money matters were concerned, but that I must not suppose my salary had any dependence upon arrangements which he might have made or might make with other gentlemen: in reference to this I must add, that the reductions in the salary of Mr. Hunter and Sir F. Palgrave to which I alluded in my letter, were very prominently brought forward by Mr. Cooper in our conversation, on the 25th of August, and had considerable influence in inducing me again to accept a salary of 250*l.*

" 3758. Have you learned that Sir F. Palgrave has experienced any diminution of salary?—I have no opportunity of knowing what the salary of Sir F.

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Palgrave, or Sir H. Nicolas may be; but if I may be permitted to refer to what I heard in this room a few days ago, I understand that the Reverend Mr. Hunter's salary has been increased from 300*l.* to 450*l.*"—(*Stevenson*, p. 333.)

The fact referred to by Mr. Stevenson is found in Mr. Hunter's evidence, p. 275; and Mr. Protheroe's statement that this increase of salary was made by Mr. Cooper's authority alone (*Protheroe*, p. 126), and confirmed by the fact of no minute of the Board to that effect being forthcoming*, places the conduct of the secretary in a most unsatisfactory point of view. But that this point of view is the right one is made quite clear by a return in the Appendix C. p. 779 where, among the names of the sub-commissioners, editors and others employed by the board, stand the names of Mr. Hunter at the increased salary of 450*l.*, and Mr. Stevenson at the diminished one of 250*l.* per annum.

With regard to Sir H. Nicolas we can only say that, as his remuneration depends upon work done and is not salary, we cannot see how he can be said to have consented to a diminution; there certainly was no diminution in his zeal and industry, and consequently in the amount of his receipts. And as for Sir F. Palgrave, a careful examination of the papers in Appendix C. shows neither a diminution of his annual salary nor an increase in the amount of work done by him for it.

Whether the fault lies with the secretary, as the person upon whom the great majority of the editors, &c. have been made dependent, or upon the commission which has placed such large powers in the hands of an irresponsible person, we care not; but a most scandalous system of favouritism has prevailed in the pecuniary arrangements. While one person has monopolized large sums, others have been confined to a remuneration of the most paltry description for services at least equal, if not superior. In stating the arrangements made with various individuals, Mr. Cooper assumes that 450*l.* a-year is the highest remuneration which is to be allowed any person employed by the board, *with the exception of Sir F. Palgrave.*—(*Cooper*, 2856, p. 254.)

"2861. Before that minute (the arrangement with Lord Grey), did Sir Francis receive 1000*l.* per annum?—Yes; which, as I stated before, some of

* Mr. Cooper himself stated, that Mr. Hunter's salary "was not fixed by any vote of the Board."—2855. p. 253.

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the members of the board considered too much. The general feeling of the board is, notwithstanding the excessive remuneration given to former editors, 450*l.* is as much as a literary man ought to receive; but Sir Francis Palgrave receives more. I do not mean to say that it is the opinion of all the members.

" 2862. It has been so managed that Sir F. Palgrave always received 1000*l.* a-year?—Yes; during the first year in which I was secretary, rather more.

" 2863. Thirteen hundred or fourteen hundred, was it not?—A great struggle was made for his salary to be 1200*l.*; if it was 1200*l.* he agreed to give up all other employment. Lord Brougham suggested, it would be better for him to take 1000*l.*, and that he should be at liberty to occupy himself with other matters.

" 2864. Will you let the committee know the nature of the occasional occupations of Sir F. Palgrave; what is the nature of the work he does for his 1000*l.* a-year, and how many hours does he work?—To the committee that was appointed to superintend his operations, he reports the number of hours employed at the Chapter House. I can state what his other occupations are from general report; he was a Municipal Corporation Commissioner.

" 2865. But how many hours is he expected to work for the commission?—The understanding between Sir F. Palgrave and myself, as representing the board, was, that he should produce as much per annum as was worth the 600*l.* which he receives from the board, calculated at the rate of 150*l.* for an octavo volume.

" 2866. Has he produced four octavo volumes a-year, then?—I think he ought.

" 2867. But has he?—I am not aware; I do not think he has.

" 2868. How much has he produced of it?—I consider those volumes which are nearly completed as being completed; I think there are five volumes.

" 2869. Is that the average size of one of the octavo volumes?—I think not. I consider that, according to the understanding, it is not a positive engagement that he was to produce as much as, if calculated after the rate of 150*l.* an octavo volume, would be worth 600*l.*

" 2870. (*Producing a book.*) Here is a book of 299 pages; surely one of Sir H. Nicolas' Privy Council books is double the thickness of this?—I can only answer for the two volumes of the Rolls of the Curia Regis, which have been actually published. Considering the extreme difficulty of editing them, I should admit that those two volumes are worth three; but as to what is in the press, I know nothing; I do not know what progress he may have made towards the completion of another volume.

" 2871. Can you estimate at all the difficulty of these; is there as much difficulty or not?—Not so much as in the Rolls of the Curia Regis.

" 2872. Is the book more than half the size of one of the Privy Council books?—Yes; This is difficult enough to edit; it is more difficult to edit than the books of the Privy Council.

" 2873. How many of these volumes has he published?—Only two of these volumes; he has three in the press.

" 2874. That is five in how long?—The date of the order is there; in the extract of the minutes of the board it will be stated.

" 2875. This commenced the 9th of March 1833?—Yes, the 9th of March 1833.

" 2876. Three years ago?—Yes.

" 2877. During that time Sir Francis has produced five volumes, taking in those which are in the press?—Yes; he has finished the volume of the Parliamentary Writs. I had forgotten that.

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"2878. That makes six?—That is the large folio volume; I cannot allow him credit for the whole of that, for that would be a great deal too much.

"2879. What would you allow him for the Parliamentary Writs?—He had brought that down to the letter S at the time when the present commission issued. I doubt very much whether any thing more was done in the Parliamentary Writs after March 1833, than what would be equal to one octavo volume.

"2880. Then you make out Sir Francis has done six octavo volumes since this engagement with him?—Yes.

"2881. According to your statement just now, he ought to have done twelve?—He ought to have done nine.

"2882. Twelve, according to your own account?—Yes, but two of them I call three, according to his statement, they being exceedingly difficult; then, I say, call them three.

"2883. Then the two which you call three, and that allowance for the Parliamentary Writs, make in all seven volumes only, and, according to his engagement he ought to have done twelve?—I consider Sir F. Palgrave in arrear, if the Committee put the question to me; I do not volunteer the answer, but if the Committee put the question to me, I must say I consider that Sir F. Palgrave is at the present moment considerably in arrear.

"2884. Up to March 1833 he received money, did he not?—He received money; he was paid according to the old arrangement.

"2885. What did he do during that period?—He was employed on the Parliamentary Writs. During part of the time he was engaged in sorting and arranging the miscellaneous documents at the Tower*.

"2886. How many volumes of Parliamentary Writs has he produced during these two years?—The volume of Parliamentary Writs he had brought down to letter S, before the present commission issued; he has done no more than finish that volume.

"2887. That volume you have allowed for?—Yes.

"2888. According to that it would appear he did nothing in the way of publishing when he received 1000*l.* a-year?—He did nothing in the way of publishing, except the Essay on the King's Council, which I consider in the nature of a report."

"2889. You have allowed the publication of that part of the Parliamentary Writs as one octavo volume since the last engagement in 1833; you must not allow any thing for that in the previous period. Sir F. Palgrave has nothing more to show for 1000*l.* a-year before that period, in the way of printing or publishing, except the Essay on the King's Council?—Nothing, except his general employment at the Tower, superintending his clerks, who are making transcripts and arranging the records."—(*Cooper*, p. 254-5-6.)

This may all be very satisfactory to Sir F. Palgrave and the Committee to whom he regularly reported his progress three times a year, but what will our readers say to it?

As so much stress was laid upon the comparison of Sir F. Palgrave's work with Sir H. Nicolas's, we shall take the liberty of

* Which documents, it appears from abundant evidence, he neither sorted and arranged, nor had the power to sort and arrange. Vide p. 142, *ante*.

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carrying it a little further. From the Appendix C, we gather the following comparative statement:

Work of Sir H. Nicolas from 1833.

	£.	s.	d.
Five volumes of Proceedings and Ordinances of the Privy Council of England. Cost of printing, paper, &c.	1,193	9	4
Sir Harris Nicolas, editor of the Acts and Ordinances of the Privy Council of England; 1833. April 13th, 100*l.*;—Sept. 25th, 50*l.*;—Nov. 5th, 100*l.*;—1834. Feb. 7th, 100*l.*;—26th, 50*l.*;—May 10th, 150*l.*;—July 24th, 100*l.*;—Oct. 14th, 150*l.*;—1835. Jan. 8th, 100*l.*	900	0	0
Mr. Baker, Clerk to Sir H. Nicolas, for transcripts for the above Work, and for compiling the Indexes; 1833. April 2nd, 44*l.* 9*s.*;—June 26th, 20*l.*;—Sept. 25th, 40*l.*;—Sept. 25th, 27*l.* 4*s.* 10*d.*; Dec. 23rd, 46*l.*;—1834. May 7th, 28*l.* 2*s.*;—June 18th, 46*l.* 4*s.* 4*d.*;—Aug. 5th, 49*l.* 13*s.* 4*d.*;—Sept. 20th, 32*l.* 18*s.* 4*d.*; Nov. 15th, 42*l.* 7*s.* 6*d.*;—1835. Aug. 21st, 112*l.* 15*s.* 8*d.*	489	15	0
	£.2,583	4	4

As Sir H. Nicolas receives only 150*l.* per 8vo. volume, he has 150*l.* in hand towards Vol. VI., which, as well as Vol. VII., is stated to be nearly ready for publication, and to be only delayed through some misunderstanding between Sir Harris and the Secretary.

Work of Sir F. Palgrave from March 1833.

	£.	s.	d.
A portion of Parliamentary writs considered equivalent to one 8vo. vol.			
2 vols. of *Rotuli Curiæ Regis.*, counted as 3 vols. by Mr. Cooper. Cost of printing, paper, &c.	506	8	0
Sir F. Palgrave. His salary, 1833. Sept. 26th, 250*l.*;—Oct. 26th, 250*l.*;—1834. Jan. 23rd, 250*l.*;—June 18th, 250*l.*	1,000	0	0
Sir F. Palgrave. Salaries of his clerks, &c. 1833. Sept. 26th, 61*l.* 10*s.*;—Oct. 26th, 61*l.* 10*s.*;—Jan. 23rd, 62*l.* 15*s.*;—June 18th, 81*l.* 15*s.* 9*d.*	267	10	9
Sir F. Palgrave. Payments on account of his salary and the salaries of his clerks, and the extra remuneration to Messrs. Devon and Clarke, conformably to the Treasury minute made when Sir F. Palgrave was appointed Keeper of the Records at the Chapter House, and to the Report transmitted to the Lords of the Treasury, in pursuance of Mr. Stewart's letter of the 24th April 1834.—1834. June 18th, 200*l.*;—July 29th, 200*l.*;—Oct. 20th, 200*l.*;—1835. Jan. 15th, 200*l.*;—Aug. 22nd, 459*l.* 9*s.*;—Aug. 22nd, 100*l.*;—Oct. 5th, 5*l.*;—Oct. 31st, 200*l.*; Dec. 26th, 200*l.*..	1,764	9	0
	£.3,538	7	9

And for this sum, up to Dec. 26th 1835, it appears three more volumes are ready for press.

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We think this table will speak for itself; at least it will be a very good introduction to the evidence which we are about to quote. It will be seen that the secretary's statement comes down to a period a little later than the Appendix allowed us to bring it, as he states Sir Harris to have received 1000*l.*

"2909. What amount of remuneration has he received; how long has he been engaged?—He commenced some time in the year 1833; he has received the whole of the money for six volumes, and he has received 100*l.* on account of the seventh volume, making in all 1,000*l.*, he being paid at the rate of 150*l.* a volume.

"2910. In three years he has received as much as Sir F. Palgrave has received in one?—Yes.

"2911. And he has done precisely the same amount of work as we have estimated Sir F. Palgrave to have done, seven volumes?—There are five volumes published, and I think the sixth may be considered as finished. I wish to be correct and to hold the balance even; five volumes have been actually published, the sixth volume is complete, all except the preface and the index, and I believe some progress has been made with the seventh; but I do not think the seventh can be fairly counted as a volume, and the sixth is incomplete. Sir H. Nicolas, if he had continued to work with the same zeal with which he commenced, might have earned more during that period.

"2912. But in respect of work and pay, Sir H. Nicolas, whether he has given up more or less of his time, has at any rate produced six volumes, and made some progress with the seventh?—Yes.

"2913. It would hardly appear, from your account, that Sir F. Palgrave has completely produced the seventh, and therefore it appears that the amount of his work has been pretty nearly the same; but Sir F. Palgrave has received more than 1,800*l.*, while Sir H. Nicolas has received about 1,000*l.*; that is the state of the case, is it not?—That is the case. Sir H. Nicolas, I should say, for the last twelve months has given up very little time to the editorship of the work.

"2914. The Committee are comparing work done, not time given; but the statement is correct, is it not?—Yes."—(*Cooper*, p. 257.)

This statement is not correct. Sir H. Nicolas having engaged to deliver an 8vo. vol. for 150*l.*, it is matter of no importance to the inquiry, whether he delivers them or not; if he does not, he receives no pay. But Sir F. Palgrave receives pay whether he works or not, and, at the usual rate adopted by the board, ought to produce four volumes a year. It is declared by the secretary that he is greatly in arrear; even the secretary was forced to admit that his employment as a municipal corporation commissioner, *or something else**, had prevented his doing his duty by the board (Cooper, 2897.

* Shall we tell the Committee what that something else was? It was Sir F. Palgrave's settled salary of 1000*l.* a-year.

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p. 256), and yet he appears in the receipt of a most disproportioned salary, fixed upon him by a board crippled by the debts of its predecessor, by its own extravagant expenditure, and the smallness of the parliamentary grant! The supposition that this great discrepancy in the rates of remuneration arose from the great difference in the talents of the respective gentlemen, was completely disavowed even by Mr. Cooper; who, on being pressed by the remark that Mr. Hardy only got one guinea to Sir H. Nicolas's three, and that where Mr. Hardy received two, Sir F. Palgrave was paid ten, could only answer that "he did not know, and had not compared the proportion," having almost immediately before declared that he esteemed the works of Sir Francis, Sir Harris and Mr. Hardy, equally. We therefore look upon this salary of Sir Francis Palgrave's as a gross job of the commissioners, and a particularly offensive one, considering the circumstances under which they are placed with regard to money.

In the course of the evidence it appeared that the accounts of the commission were kept in a most careless manner; still let us do them justice, they had *some* accounts, and their predecessors seem to have had none. One of the commissioners, Mr. E. Protheroe, who alone seems to have attempted to introduce regularity and order into their proceedings, and whose efforts contrast most strongly with the supineness of his colleagues, made some attempts to make the audit of the commissioners an effective one. In this however he failed; and as for the accounts given in to the Treasury, he unequivocally states, that had he been in the House, he would not have allowed them. It appears that the secretary possessed unlimited command over the funds of the commission; he drew the whole of the parliamentary grant by his own single cheques, and there was, as he himself states, nothing to prevent his going off at any moment to America with the whole sum. Under the circumstances we are obliged to him for his forbearance.

We have nearly done with the delinquencies of the commission, and shall not delay much longer with them, whether attributable to the board or the secretary, but we must notice two most extraordinary proceedings; first, the enormous distribution made of the costly record publications; second,

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the sale of those most costly and (if we are to credit all the witnesses for the defence) most valuable productions, for waste paper by the ton. Under the operation of the first cause, the fame of the Record Commission and its secretary flew on the wings of the record folios, into every corner of Europe, and a good many corners in America; with the Commissioners of the Bedford Level it plumped like a plover on the fat fens of Cambridgeshire; and in guise of the bird of wisdom, accompanied the Poor Law Commissioners through the intricacies of settlement, bastardy and able-bodied pauperism! Every country town that blessed itself with the possession of a library, every German educational institution that could find a doctor impudent enough to apply for them, rejoiced in the receipt of what hundreds in England would have gladly purchased, had the intolerable price of the volumes not deterred them. Many a time have we seen the wondering eyes of the Germans and French fixed on the cabalistic tomes, of whose contents, Parliamentary writs, Inquisitiones post mortem and Ecclesiastical taxations, they neither understood, could understand, nor ever will understand one word. "What is the use to us, of all "these publications," said the celebrated Eichhorn, in our hearing, "if you do not send us a copy of your ancient "charters?" We do not believe that there are five men in Germany, who will ever open one of these volumes, save to wonder at the unlimited wealth and extravagance of the English people, and to laud the liberality of the distinguished commission and its secretary. This however is a minor offence; and if, as the secretary asserts, the gift of record books has drawn the bonds of amity closer between ourselves and foreign lands, we are heartily glad of it, and hope that honourable mention may be made of the same in the next King's speech. Still, we recommend deep silence to be preserved upon the sale of these same volumes for waste paper, lest our German, French and American contemporaries be led to doubt the value of the presents they have received, and fall away from us again.

It is not quite indifferent to us, who have spent such sums in printing handsome volumes to adorn the shelves of commissioners, and raise the astonishment of foreigners, to know what has

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been done with them in England; we shall therefore make a few extracts from evidence which will, we think, somewhat astonish our countrymen.

"5236. In the beginning of the year 1834 I bought some goods from a grocer and draper in Holbeach, which were sent home wrapped up in printed paper, which drew my attention, from being in Latin and in a type representing the contractions usually found in ancient manuscripts; upon further examination I found it to be a leaf taken out of one of the publications of the Old Record Commission. I went to the grocer, Mr. Hoff, and asked him where he got it; he told me he had bought some hundred weight from a stationer in Aldgate, whose name he mentioned. He showed me several volumes, among which were the 'Valor Ecclesiasticus,' the 'Originalia,' and the 'Inquisitiones post Mortem;' and he also was so obliging as to send copies to my house, that I might inspect them more at leisure."—(*Reverend J. Morton*, p. 487.)

On further inquiry, it appeared that the firm of Jones and Wiggins had sold these copies to Mr. Hoff; they stated that they had bought five tons of record publications from Baldwin and Cradock, and that a stationer in Lothbury, of the name of Gibbons, had bought even a larger quantity (p. 487, *note*). Sir T. Phillipps gave evidence on the same subject:—

"7541. Do you know how many tons of record publications have been destroyed by the present commission, by selling them as waste paper?—I understand about sixteen tons.

"7542. How was this done?—I saw some of them after they were in the shop of the person to whom I presume they were delivered; the covers were torn off, and I believe the two first sheets and the two last, in order to call them imperfect copies.

"7543. Do you suppose that this had been done in order to make them imperfect?—I apprehend so, from the violence used."—(*Sir T. Phillipps*, p. 649.)

"In this manner," to use the words of the chairman, "these documents are diffusing historical information all over "the country!" With this, we close our account of this remarkable inquiry. There were a multitude of matters which came in evidence, but which our limits do not permit us to notice. The charges were, extravagance and inefficiency on the part of the commission, irresponsibility and consequent misconduct on the part of the secretary; the defence was a partisan warfare in which admissions here and there were caught at in abatement; the great strategic move, was calling evidence to the value of the publications; and it necessarily failed, because however good the books might be, it could not be proved that they were worth their cost. We are of opinion that the defence has signally miscarried, and that the main charges are established; from this, it irrevocably follows, that

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the commission has failed in its duty, and ought to be dissolved in disgrace.

It only remains that we notice the proposals of the committee, and to these we shall devote a few words, as an introduction to which, and by no means for the purpose of holding them up to any expression of public feeling, (for how should persons appointed *ex-officio*, never or rarely attending, obliged to bestow all their thought, care and anxiety on other and far more absorbing interests, be held actually responsible for the malversations of the *few* who shoot under cover of their shield?) we shall take leave to name the noblemen and gentlemen to whom the present commission was issued:—

His Grace the Archbishop of Canterbury.

The Right Hon. Lord Brougham and Vaux, Lord High Chancellor.

The Right Hon. Viscount Melbourne, Secretary of State for the Home Department.

The Right Hon. Charles Manners Sutton, Speaker of the House of Commons.

The Right Hon. Viscount Althorp, Chancellor of the Exchequer.

The Right Hon. Sir John Leach, Master of the Rolls.

The Right Hon. William Dundas, Lord Clerk Register of Scotland.

The Right Hon. the Earl Spencer, K.G.

The Right Hon. the Earl of Aberdeen, K.T.

The Right Hon. the Lord Bishop of Llandaff.

The Right Hon. Thomas Grenville.

The Right Hon. Charles Williams Wynn, M.P.

The Right Hon. Sir James Mackintosh.

The Right Hon. Henry Hobhouse, Keeper of His Majesty's State Papers.

The Right Hon. Lord Dover.

Sir James Parke, one of the Judges of the Court of King's Bench.

Sir John Bernard Bosanquet, one of the Judges of the Court of Common Pleas.

Sir Robert Harry Inglis, Bart., M.P.

Louis Hayes Petit, Esq.

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Henry Bellenden Ker, Esq.
Henry Hallam, Esq.
John Allen, Esq.
Edward Protheroe, Jun., Esq.
Edward Vernon Utterson, Esq.
William Brougham, Esq., M.P.

As many of these noblemen and gentlemen were members *ex-officio*, the list is at present somewhat altered. The places of Speaker, Chancellor of the Exchequer, Secretary of State for the Home Department and Master of the Rolls, have passed into other hands: death has removed some of the commissioners as Earl Spencer and Sir James Mackintosh: Lord Brougham is no longer Chancellor, but determined to support this commission, a bantling of his own, he still continues to attend boards, his right to appear at which is very questionable.

Now we ask any impartial, sound-judging man, what he would expect from a commission thus constituted? Would he expect the learned Prelates of the Church, the Chancellor, Master of the Rolls, and other Judges, the Speaker of the House of Commons, Chancellor of the Exchequer, or other Ministers and Privy Councillors, to be very efficient members of such a body? Would he look at their hands for any acquaintance with or control over the acts of such a body? It necessarily results from such a constitution, that the whole management will get into the hands of a few commissioners; and from this it almost as inevitably follows, that their management will degenerate into every sort of job. The *few members* whom Mr. Cooper was in the habit of consulting occasionally, may have attended to form boards, but the men whose situation placed them above the suspicion of unfair dealing, scarcely could, and rarely did, appear. The only instance of a Chancellor of the Exchequer paying any attention whatever to the proceedings of the commission was the interference of Mr. Spring Rice to cause something like regular accounts to be kept. We well remember how much praise was bestowed upon the constitution of this Commission. It was to be a thoroughly *practical* Commission: there were archbishops and bishops in it to look after the ecclesiastical Records; chancellors and judges for

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the Records of law; members of Parliament to carry the proposals of the Commission to the House; men of business, for business; men of literature, for literature; and a secretary to look after the whole, Commisioners, business and literature. Such a body might have succeeded at last in setting the Thames on fire, had they gone to work in the right way; but unhappily they adopted a false view of the division of labour. The church lords and the law lords had something else to do than to look after Records; the members of Parliament who were to mediate between the Commission and the Legislature abandoned their trust, and the only bill which would have given the Commission power to do its duty, was to have been presented to the House by a minister, *not* a member of the Commission; the literature was given over into the hands of the Lord Chancellor, of the secretary being a chancery barrister, and of a solicitor in full practice: while the auditing the accounts was put into the hands of the only two literary men in the Commission, Messrs. Hallam and Allen!

In spite of all these disadvantages, a great outcry has been made against the appointment of one or two commissioners with fixed salaries and settled duties. It seems in the eyes of many objectors, as if the contact of money would soil the splendour of the commissionership; why it should do so more than in the case of any other government board, we cannot conceive. Do the objectors fear that gentlemen of education and integrity cannot be obtained to undertake public duties because such duties are coupled with the insult of a salary? To these gentlemen we answer, that there are many boards, many commissions, and, as the country well knows, none unsalaried. Or is it to be supposed that the situation of a paid commissioner is less independent and respectable than that of a paid advocate, a paid clergyman and a paid physician? Yet gentlemen of integrity and admirable education become both lawyers, parsons and doctors. We have great dislike to unpaid administrators, whether of justice or any other thing to be administered: in fact, we have no belief in the existence of any thing unpaid: all pay is not necessarily gold and silver; patronage is pay, and a kind of pay which commissioners who have no other are very apt to abuse considerably. Another reason for our liking salaried commissioners is, that their

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salary acts as a very salutary clog upon their proceedings; it renders them responsible, and responsibility to the country represented in Parliament, is the only thing which can secure the country against malversation of every description.

The committee appear to recommend a mixed constitution, one or more paid, and a few unpaid commissioners. We extract a passage from their report:—

"It appears to your Committee that a new Commission might be so framed as to combine the advantage of leaving to one, or a few, such portion of the business as a small number can do better than a large; and of deriving advantage from the counsels of a larger number, in that department in which it is advisable to have the result and sanction of many opinions."—(*Report*, p. 41.)

That is, one or a few are to superintend the classification, arrangement and indexing of records; the larger number are to be consulted as to the publication of ancient materials for history.

"It would, perhaps, not be unadvisable, in accordance with some precedents among our public institutions, to combine some paid with a large number of unpaid Commissioners. To the paid Commissioners should be entrusted the simple and undivided administration of all the business and all the powers of the Commission, with a provision that no publication should be undertaken, without the whole of the Commission being summoned; and the contemplated work sanctioned and directed by their order, upon a plan to be laid before them by the paid Commissioners.

"It might, perhaps, not be considered prudent to entrust the whole of so large a business to one paid Commissioner, and it might also be thought advisable that it should be entrusted to persons, each possessing an acquaintance with some particular class of Records, or being in the habit of using them either for legal or historical purposes. With this view the whole of this portion of the business might be entrusted to as many as three paid Commissioners."—(*Report*, p. 41.)

We are utterly indifferent to the number of paid commissioners, so that it be not too great. But to no such appointment of paid commissioners will we give our sanction, unless such steps are taken as to make them immediately responsible to Parliament; under any other circumstances we shall have not one Mr. Cooper but three Mr. Coopers; and we can assure the Committee, the Ministers and the House, that the country will not again look tamely on while half a million of the public money is squandered to carve out pensions for Record Commission secretaries and sinecurist sub-commissioners, or to waft the reputation of the *viri illustrissimi* of the board over the banks of the Douro and the Danube.

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Article VI.

Die teutsche Bundesacte vom Juni 8 1815. *Constituent Act of the German Confederation, June* 8 1815.

Schlussacte der über Ausbildung und Befestigung des teutschen Bundes zu Wien gehaltenen Ministerial-Conferenzen. Mai 15 1820. *Final Act of the Conference of Ministers held at Vienna for the extension and confirming of the German Confederation. May* 15 1820.

Six additional Articles explanatory and complementary to the "Final Act." Frankfort, June 28 1832.

No one who knows Germany well, will be inclined to deny that the majority of the States comprehended under the Germanic league have well-intentioned and, in their own way, conscientious princes, inspired with upright intentions, opposed to tyranny and caprice and honestly desirous of the good of their people. When, in spite of all this, an almost general dissatisfaction is evident amongst the friends of liberal Reform and the free political development of Germany, no other ground can be assigned for it than this, that these very princes are incapable of breaking through the magical circle of *monarchical ideas* in which they have grown up, and in which they are confirmed and held fast by the aristocracy which camps round every German throne. The rights of princes, to which, in Germany, all others must be made to bow as being of less sanctity, are, according to the legitimate theory, derived from Heaven itself. As vice-gerents of God, answerable to him and their consciences alone, and as natural lords of the less high-born human race, they believe themselves entitled to claim the confidence and love of their subjects as a tribute due to them. The right of a people to have an opinion and will of its own is so little recognised, that every opposition on the part of the subjects to any measure of the government is considered in the light of an offence against majesty itself. All improvements in the condition of social life, all constitutional franchises, are in their eyes only acts of grace which the people have received as favours from the hand of their princely benefactor. The subjects are to receive their rights with humble thanks, and, in modest subjection, petition to be allowed the enjoyment of them.

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Now, this state of opinion which leads the princes to believe that the people owe them every thing and they owe nothing to the people, is also predominant in the German Confederation. The Congress of the Confederation must be looked upon as its organ, the Diet as its true personification. Such a system belongs far too much to the past to make a good foundation for a new political creation in the nineteenth century.

The object of the Confederation was to restore, under forms more suited to the demands of the times, that political unity which had perished in the Confederation of the Rhine, or the former German empire itself; an empire which, in consequence of its head being elective while the several offices and dignities of the empire with the annexed fiefs and territories gradually became hereditary, had in the course of ages and of constantly increasing losses severed into more than three hundred half-sovereign individual states or imperial territories of every sort and size. A political body whose most important members were all independent military powers and who, through their right of electing the emperor, were in fact little less than his masters; who, moreover, from the earliest times had been accustomed even to take up arms against him or to form independent alliances of their own, had necessarily too little internal connection, and bore within itself too many seeds of dissolution, not to attract the attention of the unlimited ruler of a mighty neighbour-empire, and lead him to listen to the temptation of turning this state of affairs to his own profit.

From the period of the thirty years' war, it had been the policy of France to intervene in the affairs of Germany under pretence of maintaining her constitutional franchises against the overpowering might of the house of Austria, which alone was capable of lending new splendour to the imperial crown. With a view to the continuance of this intervention she had prevented any frank union between the estates of the empire and its head; she had instilled into the minds of the princes suspicions against the intentions of the imperial house; and had won a portion of them over to her interests by means of subsidies. Thus, from the time of Frederick the Great the German empire existed only in name: and although, upon the breaking out of the French revolution, it declared war upon the French

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nation, yet during this very war the German princes learned the fatal lesson how peace might be made for themselves, at the expense of the empire; and how, without reference to its interests, they might gain something individually, by giving up certain provinces to the enemy, and indemnifying themselves at the expense of a number of less powerful estates, whom, by means of mediatizing and secularizing, they sacrificed to their own ambition. More especially in the southern states of Germany the opinion began to prevail that the empire, betrayed by its own estates, could no longer defend itself, and that its only hope of flourishing in independence for the future depended upon union with France. Bavaria, Würtemberg and Baden led the way, and on the 12th of July 1806 soon after these powers had declared themselves the allies of France against Austria (A.D. 1805), sixteen princes of the south of Germany, under Napoleon's dictation, signed at Paris the Confederation of the Rhine, in their quality of sovereigns: in this treaty they proclaimed their separation from the German empire, and declared all the little princes, counts, knights and cities of the empire, lying between their several territories, to be subjected to their sovereignty. Hereupon Napoleon declared that he no longer recognised any such body as the German empire; and on the 6th of August 1806 the Emperor Francis himself confirmed the dissolution of the realm by laying down the imperial dignity. The head of the Holy Roman empire became merely Emperor of Austria; the electors, made more powerful by the confiscation of the territories of hitherto independent estates, became Kings or Grand-dukes; the princes of the Confederation were to be independent and sovereign in all internal affairs, but in all foreign matters to depend upon Napoleon as their Protector. In return they accepted from him full powers to introduce into their own states the same absolutely despotic form of government which existed in France itself, under his auspices, and to root out the last traces of representative constitutions.

An offensive and defensive alliance dragged the Confederation of the Rhine into every war which it might please France to carry on, and settled the contingents by which the Protector found himself at the head of an auxiliary force of sixty thousand men. The general affairs of the Confederation were

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to be managed by a body holding their meetings at Frankfort, as whose president Napoleon appointed the former Elector of Mayence under the new title of Grand-duke of Frankfort, with a reservation of the succession to his own step-son Eugene. To this Confederation belonged two kings, *viz.* those of Bavaria and Würtemberg; four Grand-dukes, *viz.* those of Frankfort, Baden, Darmstadt, and the newly-created Grand-duke of Berg, Murat; lastly, ten Princes, *viz.* two of Nassau, two of Hohenzollern, two of Salm, and those of Arenberg, Isenburg, Lichtenstein and Leyen.

With the aid of these allies or, more strictly speaking, vassals, Napoleon successively attacked and conquered Prussia and Austria, the only powers which would have been capable of rescuing the honour of the German name, had the mutual jealousies which had subsisted between them from the time of the seven years' war allowed of an earnest union between them at the decisive moment. Prussia lost half her territories, engaged for the future not to maintain more than 42,000 soldiers, and left all the most important of her fortresses in the hands of the French. Out of her possessions on the left bank of the Elbe; out of Hanover, now torn from England; out of Brunswick and Hesse-Cassel, whose princes, still animated with German feelings, were compelled to fly, Napoleon created the new kingdom of Westphalia for his brother Jerome; and this immediately joined the Confederation of the Rhine, together with the small principalities of Anhalt and the Duchies of Mecklenburg and Saxony. The house of Hapsburg was degraded into a second-rate power, and lost the Tyrol with the neighbouring territories, and the Italian provinces as far as Carinthia. The booty gained in these wars Napoleon distributed among the confederates, whom he made use of in his Spanish campaign, the object of which was to found a Bonaparte dynasty in the Pyrenean peninsula.

However advantageous the princes of the Confederation might find the alliance of Napoleon, the German nation felt by no means the same sympathy with France, as animated their rulers. The haughtiness of the foreigners who tyrannized over every German territory, transferring princes from province to province, and giving new lords to the populations just as it suited the convenience of the conqueror,

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caused a feeling of deep bitterness. Moreover, all parts of Germany groaned under the long-continued evils of war, under the monstrous contributions and plunderings which transferred their substance to France, and under the pressure of the "Continental System" which undermined the very foundations of their prosperity. The new alliance sacrificed the flower of their youth upon the battle-fields of Europe, and transformed the military service, now, according to the French law of conscription, become compulsory, into a yearly recurring decimation. The public debt and taxes rose in a few years to a height hitherto unknown; increased expenses for the courts of the new sovereigns, the support of their own armies and those of their ally, and a system of administration which interfered with every thing, produced immeasurable difficulties. The Confederation of the Rhine, which at last comprehended all Germany with the exception of Prussia and Austria, was, politically speaking, become a dependent portion of the French empire, without sharing its great and really beneficial institutions or being admitted into the community of its interests. Napoleon had founded two French dynasties in Germany, had formally incorporated several German territories with France, and had introduced into others French rights and laws, which, with all the advantages which they in many cases indisputably possessed, were not clearly intelligible either to those who were to administer or those who were to be subject to them.

All feeling of nationality was not yet so utterly extinguished but that such an overflow of shame and suffering must give rise to an active hatred against the French; a hatred which burned to expose itself to every danger, even to death itself, for the purpose of shaking off the yoke of the stranger. In the midst of deep humiliation awoke a feeling for the common Fatherland and a remembrance of its former greatness; it depended alone upon the will of the princes to burst asunder the fetters which had been bound around them, for the people were prepared to make every sacrifice for that end. At this juncture, Prussia, the most deeply humbled of all, taking advantage of the ruinous results of Napoleon's Russian campaign and hurried away almost involuntarily by the impatience of the army and the enthusiasm of the people,

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ventured to make use of the feeling prevailing throughout the land, and to embark in a last desperate struggle for independence. A proclamation published at Kalisch (March 25 1813), by Prince Kutusow, as commander-in-chief of the Prussian and Russian armies, announced to the people the determination of the monarchs, the dissolution of the Confederation of the Rhine and the restoration of Germany. Austria joined the alliance of Prussia and Russia; the vanquished Cæsar saw himself successively deserted by all his confederates; and the treaty of peace which, after Napoleon's abdication, Louis XVIII. signed with the great allied powers (May 30 1814), settled the German frontier as it was in the year 1792, and declared, in the sixth article, "that "the German states were to be independent and united "in a federal bond."

But all these results had been far less the work of the princes than of the people; and German armies had in various cases deserted the banners of France to range themselves with her opposers, while their sovereigns yet ranked among Napoleon's allies. Yet if the populations of Germany were really ever to obtain that which was solemnly promised them, and for which they fought with an exertion and self-sacrifice which gave them the most justly grounded right to the gratitude of those princes whom they rescued, the general Constitution which it was proposed to establish must have offered something more than they can gain from a mere political union of independent sovereign States for security abroad and maintenance of peace at home. The shame of a foreign yoke had made the Germans feel the necessity of a restoration of their *nationality:* they wanted and demanded national union, for the security of their freedom, as much against attacks from without as despotism within. *Unity and Freedom* had become the battle cry of the German populations; and their princes had helped to swell it; for in the proclamation of Kalisch the Russian and Prussian monarchs had expressed the object of their alliance, in which they had been followed by the other sovereigns, in those very words, "to assist the princes and "peoples of Germany in recovering their *Freedom* and inde-"pendence, those inalienable heir-looms of peoples; and to "afford adequate protection and lasting security to the regene-

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" ration of a venerable empire." Upon the same authority, new-born Germany, " restored to youth, full of vital strength, " and held together in *unity* by a Constitution proceeding from " the primæval and peculiar spirit of the German people, was " now to take its place among the nations of Europe." And, in the strictest agreement with this declaration, Prussia and Austria announced at the Congress of Vienna, " the restitution of the " German freedom and Constitution, under certain modifica- " tions," as the object solemnly and openly recognised by the great Alliance which had intended, and in every point accomplished, the liberation of Europe from a shameful yoke!

The problem proposed to the Congress was consequently no less than a complete revision of the municipal and constitutional Law of Germany; and the restoration of union between the several States into which Germany had become divided by the downfall of the empire. For the especial purpose of preparing a Constitution, a committee was appointed, to which Austria and Prussia, omitting for the time the representatives of the less powerful courts, invited the Plenipotentiaries of Bavaria, Hanover and Würtemberg. A project in twelve articles, presented by the Austrian, Prussian and Hanoverian ministers, served as a foundation for the deliberations. According to this Germany was to be distributed into a number of circles with Austria, Prussia, Bavaria, Hanover and Würtemberg at their head; the power of the Confederation was to be deposited in a general assembly under the presidency of Austria and Prussia, and which was to consist of the Council of the Heads of Circles, and a second Council including the remaining princes and estates. The management of the foreign affairs of the Confederation, as well as its whole military and executive power, were to be exclusively entrusted to the first Council; but the legislative authority, in cases which affected the prosperity of the Confederation and Germany at large, was to be shared by them with a certain number of voters from among the other princes and estates.

In case of mutual misunderstandings between members of the Confederation, a peculiar tribunal was to be established and the execution of judgment was to be entrusted to the head of the circle whom it might concern. The object of the Confederation was declared to be " the maintenance of peace and independence

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" as regarded external powers, and at home the securing of " constitutional rights to every class of the nation." It was also announced, "that the members of the Confederation should re- " tain the full and free enjoyment of their rights of sovereignty, " in so far as the same were not expressly limited by the act of " Confederation itself." The necessity of a representative constitution (Landständische Verfassung) and a settled *minimum* of parliamentary rights was indeed to be expressed in the act of Confederation; nevertheless it was to be left to the several members themselves to grant at their pleasure a greater measure of such rights, as well as to introduce such arrangements as should be consistent with the feelings, habits and ancient customs of their respective lands.

These proposals were, however, by no means agreeable to Bavaria and Würtemberg whose kings had, through their alliance with Napoleon, become unlimited monarchs of territories which exceeded the amount of their former possessions by more than half. The dissolution of the Rhenish Confederation had been more injurious than profitable to them; the undiminished sovereignty of the future confederates was of greater importance to them, from their being exclusively German powers, and not, like Austria, Prussia and Hanover, capable of assuming the character of independent sovereigns in respect of lands lying without the limits of the Confederation: they could moreover appeal to the treaty of Paris, and to special treaties between themselves and the allied powers, by which the undisturbed enjoyment of their new rights of sovereignty had been expressly guaranteed to them. They then must have been the greatest losers by the proposed order of things; besides, they did not feel themselves under the same obligations to their subjects, as those princes who had been entirely or partly deprived of their possessions by Napoleon; and, though they were not disinclined to guarantee representative institutions in their territories, yet they insisted that these should appear as voluntary grants, not as the compulsory fulfilment of a duty towards the Confederation.

On all these accounts, the plenipotentiaries of the two powers declared expressly against any extension of the power of the Confederation over matters of internal government among the confederated States, against any general settlement

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of the constitutional rights of subjects of the Confederation, against the establishment of a tribunal of the Confederation, and against limitation of the right of peace and war which belongs to every sovereign. At the same time Würtemberg opposed any extension of the action of the Confederation over matters connected with diplomatic intercourse. These points excepted, Würtemberg and Bavaria approved of a political union of the greater German powers for the restoring of security in Germany, and declared in favour of a constitution of articles adapted to attain that end. At the same time, they would not consent to any participation in the immediate exercise of the power of the Confederation by any but the five powers already represented in the committee, nor allow Austria and Prussia an overpowering influence in the assembly of the Councils, either by double votes or by the presidency in common to which they laid claim.

The Princes and Free States who were excluded from the negociations were at this time so deeply impressed with the necessity of a national union, that they repeatedly proposed the restoration of the imperial dignity; and expressed their readiness to submit themselves for the general good to such limitations of their sovereignty, both in foreign and internal affairs, as should be declared binding upon all alike. On the other hand, they complained with justice of the exclusive manner in which the five powers had set about the arrangement of the affairs of Germany, and demanded that a German congress should be opened in presence of all the parts of the future whole, and that in that body the constitution to be adopted should be freely debated and freely determined upon. These negociations, so involved and intricate in their nature and affecting so many conflicting views and interests, would have made very slow progress towards a termination, had not the news of Napoleon's escape from Elba served to hasten their arrangement. Austria, Prussia and Hanover, yielding to the often repeated wish of the smaller courts and free states that Germany might be tranquillized as to its prospects by the establishment at last of a firm union, recognised the necessity of now completing the Germanic Confederation, and with the participation of the other estates of laying down at least the essential provisions of her constitution, reserving the complete and detailed arrangement of them for quieter

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times. The conferences commenced on the 23rd May, and as early as the 8th June 1815 was signed the Act of Confederation whose object was "the maintenance of security for Germany "both at home and abroad, as well as the independence and "inviolability of the several States."

By the Charter of Incorporation, in whose hasty composition the spirit of separation and the anti-national feeling represented by the second-rate powers, prevailed, the German Confederation (including all the possessions of Austria and Prussia which formerly belonged to the Germanic empire, that is to say, nearly a third of the population of the former and two-thirds of the latter State; the King of England, as King of Hanover; the King of Denmark, as Duke of Holstein; and the King of Holland, as Grand Duke of Luxemburg) actually consists of the following States:—

Austria, according to the census of the Confederation, with a population of	9,482,227	souls.
Prussia	7,923,439	„
Bavaria	3,560,000	„
Saxony	1,200,000	„
Hanover	1,305,351	„
Würtemberg	1,395,462	„
Baden	1,000,000	„
Electoral Hesse (Cassel)	567,868	„
Grand Ducal Hesse (Darmstadt)	619,500	„
Holstein	360,000	„
Luxemburg	255,628	„
Brunswick	209,600	„
Mecklenburg Schwerin	358,000	„
Nassau	302,769	„
Saxe-Weimar	201,000	„
Saxe-Gotha	185,682	„
Saxe-Coburg	80,012	„
Saxe-Meiningen	54,400	„
Saxe-Hildburgshausen	29,706	„
Mecklenburg Strelitz	71,769	„
Oldenburg	217,769	„
Anhalt Dessau	52,947	„
Anhalt Bernburg	37,046	„
Anhalt Köthen	32,454	„
Schwartzburg Sondershausen	45,117	„
Schwartzburg Rudolstadt	53,937	„
Hohenzollern Hechingen	14,500	„
Lichtenstein	5,546	„
Hohenzollern Sigmaringen	35,560	„
Waldeck	51,877	„
Reuss of the elder line	22,255	„

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Reuss of the younger line	52,205	souls.
Lippe Schaumburg	24,000	„
Lippe Detmold	69,062	„
Frankfort	47,850	„
Lübeck	40,650	„
Bremen	48,500	„
Hamburg	129,600	„

By comparison of the respective amounts of population given in the preceding table, it is easy to see how serious a matter it must be for the Confederation to include amongst its members not purely German powers alone, but European powers which only partially belonged to the body, and in such a manner that the mightiest of its members were exactly those who also existed in the capacity of strangers to it. The remark necessarily forces itself upon us, that in a body where the inequality is so great that the power of the two principal members is equivalent, or even superior, to the united force of the remaining confederates, there can be no sure dependance placed upon the fulfilment of their duties as members.

Nevertheless, it was imagined that the problem of a firm political unity was to be solved by the determining that all these states differing so widely by population, extent of territory and all the other elements of political importance, should unite in an indissoluble Confederation, as independent members possessing an absolute equality of rights. It was then settled for the purpose of attaining these objects, that the various members should retain the right of forming alliances, but at the same time take upon themselves the obligation to enter into none which should be directed against the security of the Confederation or any of its individual members. All the parties promised to take not only the whole of Germany, but every single component State, under their protection, and mutually guaranteed to one another their possessions included under the Confederation. When once the Confederation had declared war it was no longer to be competent for any individual member to enter into negociations on his own behalf with the enemy, nor to sign an armistice or separate peace for himself. The various members, moreover, bound themselves neither to make war upon one another, on any pretext, nor to settle their differences by force of arms; but, in case a peaceable arrange-

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ment should fail, to submit the same to a judicial decision pronounced by the Confederation itself. There was, however, no provision for the extension of this rule to those powers who possessed territories not included by the Confederation. On the contrary, a proposal of the smaller princes and free states to the effect, "that in case such a member of the Confederation "should declare war upon another, whether similarly situated "or not, it should be reserved for the Confederation to main- "tain neutrality and take the necessary steps for so doing," was at once rejected.

All further details necessary for carrying the objects of the Confederation into effect were reserved to be settled by a future Congress, which, as the constitutional organ of the Confederation, was to open its sittings on the 1st of September 1815 under the presidency of the Austrian Ambassador, and to continue to hold them, at Frankfort-on-the-Maine. The Congress, however, in which all the members of the Confederation having either whole or divided votes appeared by their ambassadors, was by no means so constituted by the Act of Incorporation, as to be either a sufficient or convenient piece of machinery for carrying the objects of the Confederation into effect.

It was obviously impossible to secure the independence and equality of rights of the members in a body thus at once combining the legislative and executive functions. The general will of the Confederation was to be expressed by resolutions of the Congress, and these resolutions were to be passed, after discussion, by the free votes of the members represented by their plenipotentiaries, responsible to and unconditionally dependent upon themselves alone. In order to secure complete independence to the members, it would be therefore necessary to allow a *veto* to every individual member in all cases where a resolution imposed obligations upon any one of the body; in other words, that these resolutions, like those of the old Polish diet, should require an unanimous vote. But as such a constitution would have rendered the existence of the Confederation itself impossible the Act of Incorporation could not avoid laying down the rule, that the resolutions should be passed by the *majority of votes*, and this further involved the settlement of the manner in which these votes should

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be distributed and reckoned. The fundamental principle of equality among the members demanded that the votes of all and each should have equal weight. But this absolute equality of rights would have placed the powers of the first and second order in a very subordinate position in the Diet, from the great majority of the members consisting of very small states; the result of this unnatural and in fact unjust subjection of the strong to the weak would have been, that the resolutions of such a body would never have been carried into effect. On the other hand, by giving a relative importance to the votes of the powers, proportioned to their power and possessions, Austria and Prussia alone would have commanded a majority in the Diet; and this would have exposed the less powerful members of the body to be constantly out-voted and oppressed, if not annihilated, by the stronger.

The Act of Incorporation, consequently, adopted a mode of distributing the votes which was founded neither exclusively upon absolute nor relative equality of rights, and determined that the members of the Diet should possess votes, either whole or aggregate, in the following manner:—

Austria	1	vote.
Prussia	1	„
Bavaria	1	„
Saxony	1	„
Hanover	1	„
Würtemberg	1	„
Baden	1	„
Electoral Hesse	1	„
Grand ducal Hesse	1	„
Holstein	1	„
Luxemburg	1	„
Grand ducal and ducal houses of Saxony	1	„
Brunswick and Nassau	1	„
Mecklenburg-Strelitz and Mecklenburg-Schwerin	1	„
Oldenburg, Anhalt and Schwartzburg	1	„
Hohenzollern, Lichtenstein, Reuss, Schaumburg-Lippe, Lippe and Waldeck	1	„
Lübeck, Frankfort, Bremen and Hamburg	1	„
	17	

As a plain majority was to decide in all cases, and as the six most powerful states (the Emperor and five Kings) had but six out of seventeen votes, they considered themselves by no means

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secure against being out-numbered in all cases of any importance. On this account it was determined that wherever there should arise a question of "the adoption or alteration of "fundamental laws of the Confederation: or resolutions affecting the act of incorporation itself, of organic arrangements, "or measures of general advantage of any other kind," the Diet should form a *plenum*, in which a majority of *two-thirds* of the votes should be required; and the following arrangements should prevail in the distribution and reckoning of the votes.

Austria, Prussia, Bavaria, Saxony, Hanover and Würtemberg, each	4	votes, in all	24
Baden, Electoral Hesse, Grand Ducal Hesse, Holstein and Luxemburg, each	3	„	15
Brunswick, Mecklenburg-Schwerin and Nassau, each	2	„	6
Saxe-Weimar, Saxe-Gotha, Saxe-Cobourg, Saxe-Meiningen, Saxe-Hildburghausen, Mecklenburg-Strelitz, Oldenburg, Anhalt-Dessau, Anhalt-Köthen, Anhalt-Bernburg, Schwartzburg-Sondershausen, Schwartzburg-Rudolstadt, Hohenzollern-Hechingen, Hohenzollern-Sigmaringen, Lichtenstein, Waldeck, Reuss of the elder line, Reuss of the younger line, Schaumbourg-Lippe, Lippe, the free towns of Lübeck, Frankfort, Bremen and Hamburg, each	1	„	24
Making a total of Votes			69

Thus in the plenum the six greater powers possess twenty-four, the remaining states forty-five votes, *and the latter, supposing them unanimous, do not command the two-thirds of the votes necessary to constitute a majority.*

Yet even these precautions were not considered as sufficient security against the endangering of the independence of the members through compulsory resolutions of the Confederation: a number of objects were therefore expressly excluded from the decision of the majority; these were the acceptance or alteration of fundamental laws, the organic arrangements, or measures of general advantage of any other kind, and the so called *jura singulorum* or such rights as the several members claim, not as members of the Confederation, but as individual, self-subsistent and independent states; such for instance, as their internal arrangements, among which the peculiar constitution of their several lands was especially to be considered.

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Now there is no doubt that a certain independence and self-subsistence of the several States and tribes of Germany as far as respects the ordering and directing of their internal affairs, is deeply grounded in the German character; and the framers of the Confederation could justly reckon upon the gratitude and support of the German people, for preventing any capricious interference on the part of the body itself with the private and municipal institutions of the individual States, or at least, for subjecting any alterations which might by possibility affect the independence of any individual State to a free vote in which that State participated. At the same time, when no general measure whose object could only be attained by the simultaneous effort of all the members was to be passed without an unanimous vote, there was very little hope of seeing the general good of Germany much advanced by the resolutions of the Confederation; since out of the thirty-eight members there must always be some one who would look upon any general measure either as derogatory to his own sovereign rights, or as injurious to particular interests which he thought himself compelled to defend.

It is, however, still more surprising, that the framers should have taken the organic arrangements out of the hands of the *majority*; or in other words, such measures as were necessary to the fulfilment of the professed objects of the Confederation itself. For instance, a general system of defence, an army of the Confederation and a war-organization are absolutely necessary for the maintenance of security abroad and independence at home. The same objects require a general diplomatic representation of the land at foreign courts. The maintenance of the internal security of Germany, in as far as this appears conditioned by an undisturbed state of peace among the confederates, renders the establishment of a judicial system necessary, by which, in case of misunderstanding, all matters of dispute may be settled by legal decision; and in order to secure the certain operation of such a tribunal as well as of the general ordinances of the Confederation, a general executive arrangement was indispensable.

The German Confederation, however, was only to obtain all these organic arrangements, and the laws necessary for

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their establishment, from the Diet; and the exclusion of all these subjects from decision by the majority causes one almost to suspect that it was intended to declare the existence of an object, without allowing the means to be taken for securing it. When once it was acknowledged that these were indispensable to render the Confederation an efficient organ, it was the bitterest inconsistency to make their introduction depend upon the accident of unanimity among thirty-eight voters, entitled to decide individually upon the subject. The inevitable consequence of so suicidal a determination was, that the Confederation obtained the power of completing the arrangements necessary to its very existence, either not at all, or at a very late period and in very shabby insufficient measure.

When now for the sake of independence, at least so much of the dangerous Polish Veto was allowed, as rendered the obstinacy, ill intentions or selfishness of a single member sufficient to annihilate the whole activity of the Confederation, to prevent the passing of the best devised measures and the introduction of the most necessary or useful institutions, the very principle of independence became the means of rendering the existence of a powerful executive impossible. For the sovereignty of the members could not allow of the establishment of a chief of the executive, or a head of the Confederation, however strongly such an arrangement was supported, as absolutely necessary, by several of the smaller princes and Free States, who, in common with Hanover, proposed at the Congress the restoration of the Imperial Dignity. "The German Constitution," said they, "would only assume a "firm position by the possession of a head, who, as of old, could "give the Confederation a place among the first-rate powers of "Europe, by carrying into effect the common resolutions of the "body—compelling negligent or reluctant members to the "performance of their duty—watching over the sure and speedy "execution of the judicial decisions of the body—directing its "military force, and occupying the position of a protector, "guarantee and representative of the general interests, both at "home and abroad."

The united smaller princes and Free States were supported in their views by the mediatized princes and former

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knights of the empire. The greater powers went so far as to propose an executive council; but even here the principle of republican equality triumphed; and thus the whole executive power of the Confederation remained in the hands of an assembly which, consisting of the plenipotentiaries of thirty-eight States, is compelled in every case of importance to ask for instructions from thirty-eight different courts, and is consequently deprived of that unity and speed on which for the most part depends the successful conduct of any matter by an executive, and which are in short the very conditions of its effectiveness.

Not less meagre and unsatisfactory appears that portion of the Constituent Act which is devoted to the interests and relations of the *subjects*, and which regulates the civil and political rights of the Germans. According to the view of Austria, Prussia and Hanover, the second division of the Act was to be particularly directed to the re-establishment of the popular rights which had been violently destroyed by the Confederation of the Rhine, in such a manner as to give the people also a true and operative interest in maintaining the new order of things against all attacks from without, and securing themselves, as well as their princes, from the shame of again falling under a foreign yoke. Nevertheless, as the powers of the second order continued to protest against all interference on the part of the Confederation with the internal government of the several States, which they declared to be derogatory to their own rights of sovereignty, all measures of such a kind could only be received into the Act as exceptions, and found a very insufficient completion in the second portion of the Act, appended under the title of "Particular Provisions." For instance, the 16th and 18th articles secured the German populations against all political distinctions founded on difference of christian religious belief; the right of every individual to migrate from one state to another (provided always that this shall not withdraw the emigrant from his liability to enlistment) and there to enter into the civil or military service; and finally, the right of acquiring property beyond the limits of the state to which he belongs, without being thereby subjected to additional burthens. The exportation of property from one State to the other was to be subject to no tax; it was also promised

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that at its first meeting the Diet would adopt a *general* measure for the establishment of the freedom of the Press, and the defence of Authors and Publishers against piratical reprinting of their works, and that it would deliberate upon the navigation and commerce of the several States. Lastly, the 13th article contains the laconic announcement, that "In all States of the "Confederation a representative constitution shall be esta- "blished———" without entering into the slightest detail as to the amount of rights intended to be secured by the same.

Through these lamentable fragments of a future civil code and legal order, the German populations did not succeed even in getting back what they had lost by the Confederation of the Rhine: and even as it never entered into any one's thoughts to admit of their voice in the settlement of the new Constitution, which in the literal words of the promise "was to proceed out of the peculiar and ancient spirit of the "German people" and consequently to be the work of the princes and the people together, so was it never for a moment intended to give them an active share in the operations of the Confederation by means of a real national representation. Yet when it had once been determined that the Confederation was to have no common head, and that the Imperial tribunal, which might protect the German subject against his particular government, was not to be restored, this was the only means of giving the people a guarantee against the violation of their rights or neglect of their interests, through the partial union of their governments, and to establish, not a confederation of Princes, but a confederation of peoples and nations, a living and national unity of the Germans both at home and abroad. For the German empire whose regeneration was promised—the German constitution whose restoration, under modified forms, was assured—had never been a mere state confederation; in spite of all its faults and failings, it secured a political unity to the nations as nations; it gave a protection and rights such as no mere union of individual sovereign governments can ever secure.

Thus, neither German freedom nor the German Constitution were re-established by the Act. Yet neither did the absolute exclusion of the people from all active participation in its framing and future operation, nor the obvious faults of

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the measure itself which was certainly any thing but a constitution proceeding from the ancient spirit of the people, prevent them from believing that a better future was in store for them, or shake the confidence they reposed in their governments. Even the princes themselves acknowledged the imperfect nature of the Act, and Hanover made no scruple of declaring, that it could only partially fulfil the expectations of the German nation; that her own object had been to assist in the establishment of a Confederation in Germany, which should comprehend not only a political union between the states but, at the same time, a union of the whole German empire, in the spirit of her older constitution. However, that the Act as at present agreed to did not exclude future amendments, and that it should be her continual care to demand them. Prussia also expressed a wish to give greater extension, firmness and definiteness to the Act; but argued that it was better for the present to establish an imperfect Confederation than none at all; and that it would be left to the deliberations of the Diet to remedy the defects complained of. Thus also the Austrian minister, in his opening speech as president of the Diet, amidst assenting voices from all sides, declared the Act to be "merely the foundation to the edifice of "a great National Confederation, which every German "confidently expected the Diet, mindful of its vocation, "would labour to complete." In terms which passed far beyond the measured phrases usual in diplomatic language, the presiding ambassador spoke of "the course of time, striving "with a force which none can withstand, after loftier and "completer institutions;" of "the *national wants*, the only "true lodestar in political affairs;" of "the object of the act, "to found a *real civil code for every German*;" and of "the "necessity of restoring by a confederation of the states *the* "*lost bond of German nationality, through which Germany* "*might again take a place as a whole, as a political unity* "*and a power, among the nations.*"—"Our object will be," says the same speech, "to listen to and satisfy the just "expectations of public opinion. We shall ever take into con-"sideration with patriotic willingness, the wishes and proposals "which, in course of time, may come to our knowledge re-"specting objects of general interest; time, cultivation, huma-

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" nity itself, know no absolute boundary line; and so will we " look upon the edifice of our German Confederation as a holy " but never-finished work."

In fact, the expectations of the nation were not disappointed by the energy with which the Diet commenced its work. For some time at least, that body manifested an honest determination to keep its word to the people, and a certain degree of respect for public opinion, excited as it was at that momentous period. Acclamations hailed announcements to the effect, that " the Diet, mindful of its lofty vocation and of the object of " the Constituent Act, would not suffer itself to be prevented " by the partiality of any individual member from taking the " part of the subjects" (within the limitations above named) " in order to give them also the conviction, that Germany " had been rescued from a foreign yoke by the blood of her " people, and her legitimate rulers had been restored, only " that a state of law might every where take place of arbitrary " power." Unhappily, when all this goodwill was to be translated into action, the constitution of the Confederation allowed a single voice, actuated by want of confidence, by jealousy of interference with rights of sovereignty or private interests, to deprive the best propositions of all force and to check the wisest measures on the part of the majority.

The German people was not represented in the Diet; and if by any chance, here or there, any one of the princes was voluntarily moved to do something for the nation, he could only carry his object by the unanimous consent of all the rest; and among these there was always sure to be one who found the proposals injurious to his own independence or private interests, or who looked upon them as derogatory, and dangerous to the monarchical principle and rights of sovereignty in general. Hence, in the course of many years, the only business brought to a conclusion, was the closer definition of the principles upon which a tribunal of arbitration should be settled, for the decision of points in dispute between members of the Confederation. On the other hand, the Confederation did absolutely nothing towards the fulfilment of the thirteenth article of the Act; which nevertheless the populations looked upon as the foundation of the legal order which had been promised them, and had warmly at heart

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as the necessary condition of a better futurity. Just as little was accomplished by the Confederation for the material interests of the nation. The lines of customs' frontier still stood like prison-walls between the various States, and the rivers were not opened to navigation and commerce!

All this gradually produced a feeling of dissatisfaction which principally expressed itself through the press, and in the Universities. The studious youth, of whom a large portion had taken active part in the war of liberation, had brought back with them to the seats of knowledge an enthusiasm for patriotic and liberal ideas, and were excited and supported in their views by many of their teachers. They, in whose susceptible disposition the sounds of the mighty workings of that time of excitement had left the loudest echoes, waited in vain to see the once great and mighty Germany arise from out of the ashes of her humiliation by the agency of the Confederation. They determined, therefore, to set their own hands to the work of preparation; in all the Universities they united in a body named the Burschenschaft, whose object was the immediate doing away of all the rudeness and extravagance of the University life, "by a system of Christian and "national education," and deceived themselves amid fantastic ideas and projects, into the belief of a speedy and glorious regeneration of the land. At the same time the disappointed expectations of older, though perhaps not in the main wiser, friends of the people and their country, found open expression through the press; and it is superfluous to remark, that in Germany, as well as other countries, the good corn was often mingled with chaff and tares. The best intentions were not always the wisest; the longer the governments delayed, so much the louder, the more earnest and pressing became the demands of those who spoke in the name of the people; and the secret unions at this time assumed a character which caused serious anxiety to the governments, with whose knowledge and by whose connivance they had, not long before, been established to act against the foreign invader.

Great expectations had been held out; but they had either not been answered at all, or so slowly and reluctantly, as to win for the little which was granted here and there neither ready acknowledgment nor general gratitude. It was quite

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impossible that it should escape the observation of the exclusively German powers with Bavaria at their head, that the surest if not the only means of establishing a counterpoise to the preponderance of Austria and Prussia, was voluntarily to fulfil the thirteenth article of the Act; and to do this more speedily and completely than it was possible for the two great powers to do, impeded as they were by manifold difficulties. As early as 1814 the Duke of Nassau had introduced a representative Constitution into his territories; in 1816 Weimar, Waldeck and Frankfort, and in 1818 Bavaria, Baden and Hildburghausen followed his example. All these Constitutions were patched up after an Anglo-French pattern, with a kind of House of Peers* consisting of the mediatized princes and servants of the State, and a House of Commons of elected representatives. But in all of them a vast preponderance was secured to the government; nay, in almost every case, the Constitution itself provided against the possibility of any earnest opposition on the part of the Houses. Nevertheless, when these Constitutions came into operation and the press obtained greater freedom under their protection, Prussia

* The conductors of the *British and Foreign Review* are anxious to correct a misapprehension which seems to be entertained respecting their views on the subject of a second Chamber. They are accused of inconsistency for opposing organic changes in the English Upper House, yet at the same time deprecating the introduction of such bodies into France, Spain and Germany. The accusation only shows that the objectors have no real knowledge of what constitutes the strength of any institution, *viz.*, its correspondence with the general feelings, habits and peculiarities of the particular people. A government on an invariable form, adapted at once for all the countries in Europe, would be equally bad in all. It is their intimate acquaintance with the peculiar character of France, Spain and Germany, that makes the conductors of the *Review* consider the establishment of a House of Peers in those countries as mischievous as they consider the House of Peers in this country, when placed under proper restraint, beneficial to its interests, and suited to its habits and feelings. In France, Spain, or Germany, there are no Peers like the English Barons, to form a House. The conductors of the *Review* differ in fact from the objectors as to the means of effectually applying the necessary restraint. They declare the strength of the Tories to be the weakness of the Ministers. Strengthen the liberal majority in the Lower House, and you may laugh the Lyndhursts, Newcastles and Wellingtons to scorn; let the Reformers unite, and the *factio nobilium* will not long continue to defy them. This, the conductors of the *Review* look upon as a surer, safer and more constitutional mode of proceeding than the agitation of an organic change, which will effectually put a stop to the progress of important Reforms, and alienate from the liberal side hundreds of earnest, but more moderate partisans.

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and Austria came to the conclusion, that, as long as they themselves did not keep equal pace in the work of constituting their own States, the Constitutions established in other States of the Union would rather increase than diminish the difficulties they might expect to meet in establishing their rule over the whole Confederation. The lesser powers, on the other hand, soon saw that they had made greater concessions to the people and to public opinion than were absolutely *necessary* in order to fulfil the promises of the Act, according to the construction put upon it by the greater powers.

Thus the opinions of the stronger and the weaker met one another half way; and that self-same Confederation which had hitherto been so powerless when the question was how to give unity to the government and freedom to the people, now appeared a most admirable tool for the production of results of a totally opposite character. It suddenly became the policy to attribute to individual symptoms of excitement and dissatisfaction an importance which they by no means really deserved. The festival of the 18th of October and of the Reformation, which was celebrated by a few hundred German students upon the Wartburg, and closed by the public burning of a few books of unpopular or servile character, was stamped as a crime against the State. The murder of Kotzebue, as a spy of Russia and traitor to Germany, which Sandt perpetrated, as it appears, without accomplices, and Cönnig's attempt upon the life of a minister of Nassau, were brought forward to prove the existence of a confederacy of assassins. Whispers circulated of a general conspiracy for the overthrow of all the German thrones; it was asserted that revolutionary plans of the *Burschenschaft* had been discovered. In the impatience of a political life first wakening into being, in the wavering motions of a public opinion now for the first time conscious of its own existence, in the anxious demand on the part of the people for reforms and a more real representation, the aristocracy chose to see a flood of democracy already overflowing its bounds, to which it was its duty to oppose a dam. Under these circumstances, when, according to the leaders of that aristocracy, the interests of all were alike at stake, the unanimity of votes in the Diet stood them well in stead; without a dissentient voice they passed

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resolutions which form quite a new epoch in the history of the Confederation and its proceedings.

Instead of finding themselves called upon to defend the constitutional rights of the subject, the various powers of the league, united in a ministerial congress at Carlsbad, now all at once discovered their particular vocation to be, the securing of the rights of sovereignty which had grown up out of the downfall of the empire, and the limiting of the constitutional system. At the time of forming the Confederation nothing was talked of but a *minimum* of rights and franchises, which every prince was to secure to his people as an indemnity for the constitutional system which had fallen together with the empire: now all the negociations tended to the settling a certain *maximum*, for which the Constitutions of foreign lands were not to serve as a pattern lest the Confederation should fall to pieces and Germany be exposed to all the horrors of internal division, lawless caprice and the irrevocable destruction of its legal order and prosperity. Formerly, institutions suited to the spirit of the times and the advanced cultivation of the nineteenth century had been promised; Prussia had even proposed the admission of all classes of citizens to participation in constitutional rights: now it was stated that these promises had never been made; that the notion of their having been so arose from mere mistake or from false interpretation of what had been said; that nothing more, in short, was meant by the "representative "Constitutions" of the thirteenth article than Diets upon the model of the obsolete feudal *estates*, where the nobles and the clergy kept the whole game in their own hands, and the tiers état was either insufficiently represented, or not represented at all; and where all the activity of the body amounted to hearing and presenting to the people the demands of the government.

This complete change both of words and meaning can only be explained by referring to that *Monarchical Principle*, which long before it could find an expression in the provisions of the Act was rooted beyond the possibility of eradication in the minds of the princes. That delirium of Kings which confines all *rights* to themselves and leaves only *favours* for their peoples, that old prejudice that the prince stands ever in the relation of a generous benefactor towards a dependant, whom duty binds to grati-

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tude, had only been shamed, shaken and for a time reduced to silence by the war of liberation; but it had not been destroyed. It rose again actively into life in proportion as the necessity of conciliating the people and winning their confidence diminished, and especially as the latter began to assume an attitude of suspicion, and independently enough, not only to demand but to make use of their rights. True it is that the circumstances of the times made it imperatively necessary to take the condition of Germany into earnest consideration; but these circumstances could not have caused any just anxiety, had not the courage and the will to apply the true remedies to the case been wanting. Had it not been for that morbid dislike to the excitement of public feeling and the authority of public opinion, which is inherent in unmixed monarchies; had it not been for the fixed determination to keep down, at any cost, the late awakened popular and national activity, and to use for that purpose every plausible pretext; had it not been for an absolute incapacity to understand or to endure constitutional freedom, it would be inconceivable how the German cabinets could see in the movements of the press, in the adventurous proceedings of the students in the Universities, in the crimes of a Sandt or a Cönnig, symptoms which they could imagine entitled them to bring the heaviest accusations against the German nation, to sit in judgment upon it in the mass, and to inflict the most ignominious punishments upon it. But they in whose eyes the people, born to subjection, remain for ever in a state of pupillage; they who think themselves, by God's own ordinance, the only legitimate rulers on earth; they who with their servants must be and remain the only wise, they might no doubt see an abuse in every practice of freedom; affronted and filled with anxiety and disgust, by the most modest constitutional opposition, they might reckon the putting down of such, as the sole means by which, to use an expression of the President of the Diet, "the "undisturbed enjoyment of all the advantages which the "German nation *were to receive at the hands of their princes*," could be secured. Those who think that every thing must proceed from the government and that nothing must be done by the people for itself, who hold that the people have forfeited all their rights as soon as they venture to make any other use of them than what the governments are pleased to allow, were

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likely enough to find a criminal attack upon their hereditary right of rule in the desire of the German people to have an existence of their own, and in their demand of Constitutions which would have placed them on the same free footing as other cultivated nations of Europe.

The governments were, consequently, called upon by the Diet, not to proceed with the establishment of Constitutions in any other sense but that of the monarchical principle; or else to wait for the *explanation* of the thirteenth article which the Confederation would shortly put forth, and which would be made applicable to every one of the Confederated States, be their circumstances what they might,—would not be grounded upon general theories or foreign patterns, but on German notions, German law and German history, and, above all, would be completely competent to the upholding of the monarchical principle, which Germany could never desert with impunity, and of the Confederation, the only support of her independence and of peace. At the same time, in order to obtain the repose necessary for the carrying on of this great work and to avoid being disturbed by inconvenient attacks or admonitions of the press, it was resolved on the 20th of September 1819, and in consequence of the deliberations at Carlsbad, that in all the States of the Confederation, including even those where the liberty of the press was already recognised, provisional regulations to be in force for five years, should be introduced. According to the terms of this resolution, all writings which appeared in the form of daily papers, or in numbers, and, in like manner, all such as should not exceed twenty sheets of letter-press, were not to be allowed to be printed without previous permission of the authorities: at the same time every State of the Confederation was made responsible for all writings which should in future appear within the limits of its authority, not only to any other member of the league whose dignity or security might be injured, or whose constitution or administration might be attacked, by any thing therein contained, but to the Confederation itself. The Diet was also empowered, upon its own authority, to forbid by a sentence from which there should be no appeal the circulation of any work of the nature above described whose existence should come to its knowledge, and which, in the opinion of a commission named by itself, should appear to contain any thing

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derogatory to the dignity of the Confederation, injurious to the security of the several States, or to the maintenance of peace within the territories of the league. It was declared to be the duty of the governments whom it might concern, to put these resolutions into execution; and in the case where a journal or other periodical should be prohibited by sentence of the Diet, its editor was not to be allowed, during the space of five years, to be engaged in the conduct of any similar work in any State of the league.

Thus the Diet fulfilled its promise, made in the second portion of the Act, to pay immediate attention to the passing of measures for securing the freedom of the press! At the same time the universities were placed under the strict surveillance of their own governments and of the Diet. Professors whose principles gave umbrage to their governments, were threatened with exclusion from all public and educational employment; all secret or unauthorised clubs among the students were forbidden under severe penalties, and all their members were declared incapable of ever holding any public situation. Lastly, an extraordinary Central Commission of Inquiry was established at Mayence, for the purpose of investigating the actual condition, origin and affiliation of the revolutionary societies which, it was given out, had been set on foot in order to overthrow the existing Constitution and internal peace of the whole Confederation, or of particular States. This commission was instructed to report to the Diet respecting the objects of its activity; but has never, up to this time, given any public sign of its existence.

In order, however, to secure a proper result to the proceedings of the commission, a provisional arrangement was adopted; by this the Diet was empowered to demand from individual States the disposal of forces, as well as to settle the contingent which, in case of opposition to the fulfilment of resolutions of the Diet on the part of the subjects of any Confederated State, were to support the government of that State, or which, in case of the disobedience of any of the Confederates, were to be employed against the refractory member.

Thus the German Confederation, hitherto so inactive and so apparently inefficient, suddenly assumed the attitude of a body clothed with full powers of sovereignty, to lord at its pleasure over the internal relations of the German States; and the same pride

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which made the German monarchs strive against any beneficial subordination of the people to a higher unity than their own, appears to have found a satisfaction in the accepting or promulgating of dictatorial decrees from which there could be no appeal, and which they fulminated against the supposed enemies of monarchy. The greater powers, however, who owed their restoration to no courts, and had, consequently, endeavoured to secure the co-operation of the smaller German States against France by a pretended zeal for the cause of the people, had now discovered an easier way of bringing the cabinets into what they called the right way; and the ministerial Congress of Carlsbad, which destroyed even amongst the most moderate politicians the hope of establishing a really useful German Confederation, probably first awoke in many a court the hope of bringing this to bear, in their own rendering of the word. The Confederation as unlimited sovereign, not indeed of the princes but of the people, was the best adapted instrument in the world for consolidating the power of the rulers, and might easily be made the means of taking back imprudent concessions, and of loosening or altogether shaking off the trammels of representative constitutions, the moment they began to be felt as a clog. For the responsibility for illiberal measures proceeding from the Confederation was distributed among thirty governments, and the hatred excited by such measures fell principally upon the great powers who are preponderant in the body, and who are perfectly indifferent to the manifestations of public opinion in the Constitutional States.

In order to push the Confederation still more rapidly onwards to its new goal the plenipotentiaries of the several cabinets again united in Congress at Vienna; and the result of their deliberations, published under the title of "the Final Act," &c., was, by a resolution of the Diet, incorporated among the fundamental laws of the Confederation. It is not to be denied that this "new fundamental law" has extended, explained, or rendered practicable many provisions of the Constituent Act, in the spirit of that original charter; on the other hand, it has caused a retrogression in every instance where that spirit proclaimed security to the legal freedom, rights and interests of Germany at large, and of the several populations. The problem which the Final Act proposed to itself, and very completely

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solved, was the changing the original and promised national Confederation of peoples into a Confederation of princes, by peremptorily excluding the people from the communion of the league, by the setting up of the monarchical principle which is not found in the Constituent Act, and which imposes upon the several princes the assertion of their power, as a duty which they owe to the Confederation, and sets arbitrary limits to the Constitutions which they may grant to their subjects.

The Constituent Act, for example, had not utterly shut out the prospect of a general national representation; the Final Act, however, expressly declares the Confederation to be a mere international union of sovereign German princes and Free States, consequently to be a mere union of governments or States as such, to the absolute exclusion of the citizens or subjects. It ought then to have confined the power of the Confederation to matters of international right, to have expressly forbidden any interference on its part with the internal and private institutions of the several States which it so constantly declared to be free and independent, and to have restricted its duty to the maintenance of security in Germany by the enforcing a continuance of peace among the members. But this was by no means the intention of the framers of the Final Act: matters of internal legislation and administration were not to be excluded; only they were to be treated as mere subjects of diplomacy, and, like the foreign relations of the body, to be settled wholly by the governments among themselves without the co-operation of their subjects. The princes, or rather their councillors and cabinets, were determined to have a Confederation which was to impose every thing upon the people, and nothing but what they themselves chose upon the princes. The particular provisions by which the Constituent Act interfered in the internal affairs of the States were still further extended: and "internal "security of Germany" (particularly as the word *security* was cunningly changed into *repose*) furnished too convenient a pretext for damping the awakening spirit of the people, not to be construed into meaning the internal security of every individual State.

It was, therefore, enacted that the whole body should be bound to co-operate in maintaining and restoring order in the several States, whenever the public *repose* should happen to be

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threatened by dangerous combinations or conspiracies in several of the States, and effective measures could only be put in force against them by the united efforts of all; or when, through the opposition of the subjects in any single State, the public peace should be in immediate danger, and there was reason to fear the spread of seditious movements; or where such sedition should actually have broken out and the government was not of itself powerful enough to put it down. As for the representative Constitutions, which were now become so unpopular in the eyes of the Confederates, but which had been promised in the Constitutional Act to all States of the league, the Diet was, indeed, to take care that this engagement should in no case be evaded; and those which already existed in acknowledged activity were to be subject to none but constitutional alterations. It was still to be left to the sovereigns of the Confederated States to arrange internal matters, with proper regard to the old legal rights of the representative bodies and the prevailing circumstances of the present time; but the laying down a *minimum* of Parliamentary rights to be enjoyed by their subjects, (and which, according to the negociations of the Congress of Vienna, was at least to include the granting of taxes, the joint control over their application, a share in the passing of laws and the right of parliamentary impeachment,) was no longer considered necessary. The princes were allowed to give just as little as they pleased under the name of a representative constitution, and the unimportant and powerless *Provincial Estates* were now passed off as a fulfilment of the promise held out in the thirteenth article of the Act*.

On the other hand, it was found necessary to guard against the inconsiderate liberality of the German princes, by enacting that "since the German Confederation, with the exception of the "Free Towns, consists of sovereign princes, it follows, from

* In Austria, the power of these provincial parliaments extends to the raising and distributing of the taxes decreed by the sovereign, and the right of laying general petitions for the good of the province before the throne, through the organ of the provincial government. In Prussia, they are entitled to share in the deliberation upon projects of law confined to the province, *without*, however, *having the right of rejecting them*; they possess the power of petitioning and complaining respecting matters connected with the province, and they conduct the affairs of the *communes*, under the guidance and subject to the approbation of their government. On this almost ridiculous subject see the note, p. 74.

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"the very nature of the case, that the whole power of the State "must remain undivided in the head of the State; and no re- "presentative constitution can be allowed to bind the sovereign "to the co-operation of the estates, except in the exercise of "certain particular rights." (Art. LVII.)

Thus, while in other constitutional States the monarch is obliged to content himself with certain defined prerogatives, it is declared to follow from the very nature of the German Confederation, that the monarch is to unite in his own person every branch of the legislative and executive authority. It is true that there was nothing of this sort in the Constituent Act; this was satisfied with stipulating for the establishment of representative constitutions, but, a very few points excepted, did not trouble itself to interfere with the internal organization of the States. That every State was to be ruled by a sovereign enjoying a monopoly of all the rights of government, was not only not provided, but expressly rebutted by the fact of the Confederation having admitted Free Towns into the number of its members. It was not even hinted that the rulers were to be prevented from making voluntary concessions to the liberties of their people. The Act did, indeed, promise protection and assistance to any prince from whom his subjects might attempt to wring by force, rights which they might obtain by constitutional means; but it never declared it to be the duty of any prince, for the sake of his fellow princes, never to concede constitutional privileges to his subjects. In spite of this, the official interpreters of the Act did not hesitate to argue from the distinction made in the first article between the sovereign and the mediatized princes, that no prince could remain a member of the Confederation, save such as was in undivided possession of the whole internal power of the State.

By this decision the Congress of Ministers completed the most important task assigned them, and the monarchical principle was established as a fundamental law of the Confederation, in such strength and with such extension as to bid defiance to any future difficulty. At the same time, they very cunningly refrained from entering into any explanation as to *what* rights the sovereign princes were still to consider it incumbent upon them to exercise in co-operation with their parliaments, or in what this co-operation was to be taken to consist. All this was

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left to be settled at some future time. And thus there could never be any lack of means to dam up the current of popular movements, and to close up for ever the road to any improvement. The change of the National Confederation into a Confederation of princes, was complete! Instead of the freedom of the press, promised by the Constituent Act, the Diet had already established the censorship: the universities, feared as the focus of national enlightenment, had been placed under the surveillance of a strict police; in short, those very provisions of the Act which were intended to prove the gratitude of the princes to their people, were those which were now made use of to annihilate every right and every hope of freedom.

After this point, which the princes had most of all at heart, had been settled to their satisfaction, the Confederation proceeded during the two years from 1820–1822 to complete its organic arrangements by the passing an executive decree and the establishment of a war system. The first, however, consists only of a few articles of agreement which cannot prevent the more powerful members of the league from withdrawing themselves from even the most obvious of their duties, or from setting the resolutions of the body at defiance, with entire impunity: for the Confederation possesses no independent executive force of its own; but, in order to ensure obedience to its resolutions and the fulfilment of its decrees, every government belonging to it is declared bound to carry its measures into effect against recusants, by placing at its disposition such a force as the Diet shall determine to be sufficient for the purpose intended. The defensive system of the Confederation rests upon a similar organization.

The princes, who for the most part are great lovers of military pomp and vanity, made no great objection to this arrangement, by which they are bound to levy, exercise and keep in condition for service, a contingent of one and a half per cent. of their whole population. Out of these several contingents an army of the Confederation is to be formed in time of war; but no measures were taken to give this army a moral and organic homogeneity, by similarity of education, by a central direction administering the whole both in peace or war, or by common exercises, manœuvres and the like. Just as little was done to settle the military duties of the Germans, whose definition the Diet had reserved to

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itself, either by establishing a national guard, or by any other plan which might not interfere with the prosperity or the freedom of the citizens. It was now no longer considered necessary for the Confederation, which includes a territory of twelve thousand square German miles and a population of more than thirty millions, to assume abroad the character of a political power. Cut off from all immediate intercourse with foreign States, Germany is to depend for the maintenance of her liberties, her honour and her material interests, upon a Confederation which is represented at no foreign Court, and which has had no voice in the settlement of any one of the great questions of late years!

All the subsequent resolutions of the Diet are mere deductions from that principle of absolutism about which the congress of Carlsbad had come so readily to an understanding. In the year 1823 the Diet declared its resolution not to attach any authority to new doctrines or theories of writers who professed to define its powers, and to allow of no appeal to such works as rules for its conduct; in 1824 a decree was issued to put limits to the publication of its proceedings; a decree which in its operation utterly destroys all publicity and allows for the future only the results of the deliberations, be their subject of public or private interest, to be made known. In the same year the law against the press, which was about to expire, was ordered to remain in force till some definite and permanent measure should be adopted; and stricter injunctions were laid upon the members to assert the monarchical principle against the efforts of their parliaments. One does not see any very good reason for this renewal of the Carlsbad resolutions at a period of the profoundest political calm, except that it was perhaps found less troublesome to keep in force the extraordinary measures which had been adopted to meet a particular emergency, than to let them die out together with the circumstances which had given rise to them. However, it was altogether passed over in silence now, that the restrictions upon the press, dictated from Carlsbad, had been originally intended to be of an exceptional and temporary nature. At the same time, as freedom of the press had been inserted as a fundamental law in some of the Constitutions established since 1815, the Austrian President accompanied his motion for continuing the censorship, with the

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remark, "That his majesty the Emperor had too much confi-
"dence in the purely federative sentiments which animated
"the governments of the Confederation, to admit for a moment
"the possibility of any one of them opposing a resolution,
"proceeding from the whole body, *under pretence of its being*
"*a violation of any particular Constitution*," and this remark passed without a single dissentient voice!

After the Confederation had so undisguisedly expressed its *absolutist* character, as to declare that its test of "true federa-
"tive sentiments" was the trampling upon constitutional forms solemnly ratified by oath, the German nation could hardly continue to expect any measures of general advantage at its hands. The populations silently submitted to the lot of subjection; and as long as the populations remained sunk in repose or lethargy, the Confederation framed by their princes against them, remained in repose also. However, when the revolution of July in France gave a powerful and sudden *jerk* to the body politic, and made half Europe feel the vibration of its electric shock, even the most trampled of the German States recalled to mind the proverb, "Aide toi, Dieu t'aidera." In Brunswick, Saxony, Hanover* and Hesse, the people burst into actual revolt, in order to obtain for themselves those constitutional rights which the Confederation had promised but forgotten to give. At once that body started from its long slumber, and the first sign of its re-awakening was a declaration "that all governments in the league were held bound to
"give notice of all seditious steps taken within their territories;
"mutually to afford one another support against their subjects,

* Hanover, whose King is the King of England—that Hanover which had declared that the Germans ought not to be satisfied with the Confederation—above all, that Hanover, which by granting something of a Constitution, *since* the attempted revolution, has thoroughly justified the ringleaders of it for their successful attempt, has just finished the trial of those very ringleaders. It has condemned them to various periods of imprisonment, some for life, some for twenty, some for eight years, and to costs which will utterly ruin themselves and their families. Against this sentence we appeal from the King of Hanover, hampered by the German Confederation and laughed at by the unseen movers of the crowned puppets, to the King of England, placed on the throne of these realms by a constitutional revolution, strong in the support of a free parliament and a free people—and as such, the leader, protector and defender of liberal institutions throughout the world. Even the despotism of the Confederation cannot deprive the King of Hanover of the privilege of *pardoning*.

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" without any special commission from the Confederation itself;
" and to insist upon the strictest execution of the censorship in
" the countries which they respectively ruled."

Nevertheless, the excitement caused by the events in France and Belgium continued. The position of France was of such a nature as to render the sudden breaking out of a general war, at any moment, probable: the revolutionary movements in Italy and the war of independence in Poland followed close upon these events. The universal excitement expressed itself in addresses presented to the Confederation by States, themselves members of the body, in favour of that heroic people. The Diet immediately forbad the presentation of memorials touching any public affairs of the Confederation, and silenced various journals and other periodicals. Meanwhile the restlessness of the time had to a certain extent spread even to the masses; and although no nation in the world is so little inclined to revolutionary excesses as patient and long-suffering Germany, (on which very account the violent tone of certain journals found but little sympathy in general,) yet even there the people began to raise themselves up to some degree of feeling of their own situation. They became aware of the importance of the elections of their representatives, hitherto treated by them with so much indifference, and so carelessly left in the hands of their all-crushing governments; they now followed with growing interest the proceedings of the chambers in general, and the services of particular members who began to form an opposition to the Confederation and the Governments. The press recalled to mind the many promises made and unfulfilled; the notion of a German *unity* mingled with the cry for *freedom, security* and *equality before the law;* contested elections, patriotic festivals and meetings kept up the feeling, which at last reached its highest point in the assemblage at Hambach. The secret societies sprung again into life; and there is no doubt that many of the ultra-liberals of Germany were in communication with the republican clubs of France.

But although the liberal members of the Chambers held themselves apart from the revolutionary agitators with a sort of anxious fear, in order not to be compromised by their measures; and although their opposition restrained itself within the strictest *legal* limits (and no where does the

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opposition strive for actual possession of power, less than in Germany), yet the first and heaviest blow of the *reaction* fell upon them. For the governments would not endure any opposition to their ministers, which passed beyond the limits of a *mock-struggle*. The Opposition were not to be forgiven for demanding a cheaper government, more security for person and property, abolition of the privileges of nobility, above all, freedom of the press, or for venturing to dispute the sovereignty of the Confederation over all the States comprised in it. That constitutional opposition was made to suffer for the speeches made at Hambach in the intoxication of freedom; and, in order to annihilate them, Austria and Prussia presented to their confederates a picture of the dangers which would threaten the internal peace of Germany, if in one place the rude force of excited popular masses, in another the pretensions of democratic licence clothed in the constitutional garb of parliamentary opposition and in alliance with an unbridled press, were allowed to weaken the power of the governments, and to wrest from them the acknowledgment of rights which they could never grant without sacrificing public order and the secure legal system so carefully adapted to the well weighed interests of their subjects.

Gratefully acknowledging "the often proved anxiety for the "general weal of their majesties the Emperor of Austria and "King of Prussia," the members of the Confederation met on the 28th of June 1832, and agreed to the following six articles:

First,—The fifty-seventh article of the Vienna Final Act declares that the whole power of the State must remain undivided in the head of the State, and that a sovereign can only be subject to the co-operation of his chambers in the exercise of certain particular rights. From this it follows that a German sovereign, as a member of the Confederation, is not only at liberty to reject a petition of the chambers which may happen to be in contradiction to these provisions, but, in pursuance of the objects of the Confederation, is positively bound to reject it.

Second,—The 58th article of the same Act declares, that the estates are not empowered to refuse the sovereign the means required to fulfil his duty to the Confederation or to defray the expenses of government: from this it follows, that if

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the estates, mediately or immediately, make the demand for measures of any other nature a pretext for refusing the supplies, the Diet has the right of marching troops into that State for the purpose of raising the said supplies.

Third,—The internal legislation of the States (consequently the resolutions of their Parliaments) must neither contravene the objects of the Confederation, nor prevent the fulfilment of the other constitutional obligations of the States; namely, the payment of their quota to the Confederation.

Fourth,—The dignity of the confederated princes, as well as the respect due to the Diet which represents them, must be secured against attacks of every description; at the same time, the settlement of the constitutional relations in the several States must be facilitated: to this end a particular commission shall be named, to continue in force *at first* for six years, and whose particular object shall be to keep continual watch over the proceedings of the Chambers, and report to the Diet whenever proposals are made or resolutions passed which contravene the duties of any particular State to the Confederation, or the rights of governments as guaranteed by the Constituent Act, in order that the Diet may co-operate with the government in question in the measures proper to be taken on the occasion.

Fifth,—The various governments engage to one another, commensurately with the constitutions of their several States, to publish and maintain such regulations as may prevent and punish any attacks made in the Chambers upon the Confederation itself.

Sixth,—The German Confederation alone has the right of explaining the Constituent and Final Acts, and exercises that right through its constitutional organ the Diet.

In respect of the "unexampled abuses of the periodical "political press," further regulations were brought forward, in the spirit of these six articles. By a resolution of the 5th June 1832 all clubs having political objects were forbidden, as well as all extraordinary popular festivals or public meetings; and severe penalties were denounced against all persons who in any public assemblage should venture to make political speeches, propose addresses, or bring forward resolutions; wear distinguishing marks, as ribbons, cockades and the like; display ensigns and flags, or plant trees of liberty. Troops

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were concentrated for military protection; and the governments engaged to support one another in the prosecution of dangerous societies, by the mutual communication of information and the extradition of refugees. Finally, the Diet declared all petitions or addresses against its resolutions (some of which had been proposed in more than one constitutional State) as criminal attempts to put strife between the Confederation and its members, and as such punishable by the Diet. It consequently invited the governments in question to bring to trial the ringleaders and promoters of such measures. At this time the prisons of Germany began to be filled with political delinquents of all classes, and all shades of opinion. A new central commission, armed with the most unlimited powers, was appointed to direct the inquiries which were now instituted in every direction, in consequence of the unsuccessful attempt made in Francfort by a handful of fanatical boys (principally students of different universities), to rescue some State prisoners from the city guards; perhaps to effect a *coup de main* against the Diet itself, and to take possession of its papers.

Measures of oppression, thus heaped on one another, were at last successful. The spirit of excitement was destroyed; but with it was destroyed the possibility of success in any political struggle, and the value of any political exertion. The advocates of the popular cause in the Chambers, deprived of their most effective organ by the interdicts hurled against the press, political clubs and public meetings, were reduced to the ungrateful task of struggling in the courts of law against violations of the Constitution. The elections were once more surrendered to the influence of the governments, and the budgets granted as before, by majorities which no longer ventured upon any real opposition. For although the open destruction of the representative system does not follow from the letter of the "Six Articles," and it would be possible to give them a construction which might render them in some sort consistent with the continuance of the constitutions, yet, practically, no single important constitutional question can arise, which the Confederation has not the power of bringing at once before its own tribunal by means of those same articles; and thus of deciding upon them by the majority of voices, upon the proposition of Austria or Prussia, the principal

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supporters of that monarchical principle which the body has adopted as its rule and highest law. The sword of Damocles for ever hangs over the heads of the German Parliaments.

The Six Articles did not fail to produce a most unfavourable impression in the constitutional part of Germany, as was demonstrated by a number of protests, whose authors are, for the most part, atoning for their boldness in dungeons. The Diet itself could not help seeing that it had sanctioned, in far too abrupt and unveiled a manner, such an interference on its own part with the internal arrangements of various States, as was in direct contravention of the various fundamental principles of the Confederation. In order, therefore, to avoid a continual and direct intervention, a new Congress of Ministers, held at Vienna in the year 1834, hit upon the expedient of a tribunal of arbitration, whose interposition is to be proposed by the princes to their estates before having recourse to the Diet, whenever any difficulty arises in defining the constitutions, or the limits to the exercise of certain rights by the sovereign, as well as the extent of co-operation which the said estates may claim therein, more especially in case of their refusing supplies for the carrying on of government. Each of the seventeen members is to name from the State which his vote represents, every three years, two men distinguished by their character and their good intentions, and who in the course of long service have proved their acquaintance, the one with jurisprudence, the other with administration. From among the thirty-four persons thus selected, a committee of arbitration is to be formed for the settlement of all disputes which a government and its Chambers may have agreed to submit to such decision: and this committee is to consist of three members named by the prince (none of whom, however, shall be among those deputed by himself), three named by the Chambers, and a seventh as president, appointed either by the six already chosen, or by the Diet; and this body is to decide by the majority of votes, upon their conscience, and to the best of their knowledge.

Thus the princes of the Confederation, though they avoided the appearance of appointing themselves judges in their own cause, transferred the duty of deciding to personal partisans selected by themselves: and that any thing like conciliation was far from their intention, was made evident by the further

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resolutions of the same Conference, which have since been formally and publicly recognised by the Diet. That same Confederation which had already forbidden the German handicraftsmen to travel into countries whose politics were in bad odour, now interdicted the German students from visiting the universities of Berne and Zurich; it directed that an end should be put to the practice of denoting erasures of the censorship by blanks; forbad any notice to be taken of arrests or investigations, having reference to treasonable conspiracies, in Germany; and published a sort of educational system, in fifteen very minute articles, for the regulation of universities and other seminaries, whose main object was the destruction of the Burschenschaft and similar associations, but which at the same time contemplated the diminution of the influence of the academical corporations. Finally, one of the latest resolutions ordered the mutual extradition of political offenders, and decreed that "all attempts against or attacks upon the Con-"federation, made by subjects of any of the German States, "should be liable to the same penalties as if such attempts "had been directed against their own government."

Thus the Confederation, while it excludes the populations from all participation in its powers, demands from them the same rights, the same degree of obedience and subjection as they would be called upon to pay to their own born governors. From the description which we have given of the operations of the body, it will surprise none of our readers when we proceed to state, that the Confederation in Germany is looked upon either with profound indifference or with active hatred. Here and there the good feeling of individual governments has accomplished some little for the advantage of their people, but the Confederation has done absolutely nothing to fulfil the promises of general good which its framers in part implied, in part put openly forward. Not only has it failed to fulfil its promises; in many cases, it has directly flown in the face of them. Instead of a general constitution by which their lost liberties might be ascertained and restored, the German populations have received at the hands of two congresses of diplomatists—the Act of Constitution and the Final Act! The Confederation has given them subjection instead of freedom—the stone of the censorship, in place of the nourishment of a free press. Far

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from watching over the fulfilment of the thirteenth Article of the Act, eighteen years of active efforts have been spent in crushing the principles of a representative constitution, and laming the very sinews of independence in all those lands which (much against the will of the Diet) happened to possess the machinery of it.

But it was not enough for these ministers to oppress, they must insult also. Not a decree since the Carlsbad Congress but has been a libel upon Germany. A libel and a falsehood it was, when, on introducing the censorship, it was asserted, that the worst of misunderstandings and errors had not only developed themselves of late years, but had even obtained a mastery over public opinion; that the daily increasing tendency to barren or dangerous theories, the influence of writers either themselves misled or determined to flatter every popular delusion, the vain desire to transplant the constitutions of foreign lands into the soil of Germany, had produced a wild schism in opinion, a daily renewed strife which shook every principle, brought every truth into doubt and delusion, and finally had given rise to a general confusion of political terms, in which the great and noble German nation—once so distinguished by its solidity and depth—now threatened to find its ruin.

A haughty spirit of exclusive wisdom expressed itself in the assertion, that the numberless mischiefs spread throughout Germany by the abuse of the freedom of the press, had been importantly increased since the publicity of the debates in certain States, and their extension to subjects which ought only to come from the holy recesses of the senate to the eyes of the people in a solemn and formal garb, had given fresh support to the boldness of certain writers, and afforded every newspaper scribbler a pretext to lift up his voice upon matters which present doubts and difficulties to the minds of the wisest statesmen.

Bitter scorn both of the people and their rights was evident when, on the renewal of the Carlsbad Resolutions, arbitrary alterations of settled constitutions were declared to be the sign of "true federative sentiments," on the part of the German princes; and when, in place of the freedom of the press, which existed by the law of various states and was guaranteed

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by the Constituent Act, it was publicly declared, "that those "penal laws which exist in circumscribed States against the "abuses of the press—even supposing them preferable to the "far milder law of the Censorship—could never be applicable "to a federative union like Germany; and that peace and "order could only exist in such a body by means of a general "regulation of the Diet, executed by the several governments, "and to be completed by the constant surveillance of a "central authority."

Even more deeply insulted and wronged must the nation have felt, when the German Confederation, in proclaiming the resolutions of the 28th of June 1832, declared even the Carlsbad Censorship insufficient to restrain a freedom of the press, which, in consequence of the morbid state of public opinion, confounded in its wild extravagances all notions of right and wrong, existed only for the purpose of shaking all established institutions, and sinning alike against the loftiest and the holiest feelings: when the opposition in the German parliaments was declared to be "the spirit of democracy disguised "in the garb of constitutional moderation, and allied to an "unbridled press;" and it was asserted, that revolution was striding rapidly towards maturity, through the "flood of "seditious writings which overflowed the land," through "the public abuse of freedom of speech manifested in the "parliaments themselves," and through the "constant ma-"nœuvres of a propaganda which did not shrink from carry-"ing on its fatal operations even in the full light of day*."

And yet the Germans, thus represented as drunk with the intoxication of revolution and demagogic intrigue, had waited, and yet wait with untiring patience, for the fulfilment of a just hope, nourished by solemn promises and justified by sacrifices and services of their own: nor have they even demanded one half of what other nations, possessing constitutions, have long enjoyed. Nevertheless, every trace of a very justifiable discontent has been treated by the united governments as sedi-

* We really cannot refrain from assuring our readers that these expressions are not exaggerations of ours, and that we are in no way answerable for them. These swoln and pompous terms, by which the dull common-places of absolutism are attempted to be put forward with dignity and weight, are the real expressions of the Diet and its organs. In short, the language of Toryism, in all times and all lands, is the same.

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tious; every act of impatience, into which the desire of compelling the performance of promises had betrayed individuals, has been treated as a crime which falls upon the mass of the nation, and is to be punished by the withholding or indefinite postponement of the general rights and securities. It was even represented as an act of princely magnanimity when, two years ago, the sovereigns declared themselves willing to submit their differences with their parliaments to a tribunal of arbitrators carefully selected by themselves; a measure which was described to be one which could not fail to be satisfactory to all wise and real friends of Germany, and to offer a security for the national good and national unity, by furnishing a means of impartially settling the rights, claims and relations of the contending parties!

If ever a nation had a right to be dissatisfied with its institutions, that nation is Germany. The personal character alone of some of the princes who are better than their political principles and the councils of their advisers, is the cause that those institutions have not led to even worse results than they have, and which seem inevitable from their very nature. But the Germans must have lost every spark of honourable feeling, did they tamely and contentedly sit down under the disappointments which twenty years of bad government have given birth to, and did no threatening symptoms show themselves of deep and settled dissatisfaction. And yet these are brought forward to prove the nation incapable and unworthy of free and legal institutions!

Without demanding more than human moderation and human virtue from her princes, Germany has a right to ask, whether the terms of the Confederation ought not to have been construed in a manner more favourable to her interests? She has a right to ask whether, in a body which consists of princes only and in which the interests of the people are not represented, there is any reasonable hope that the rights of the *subject* will be protected against the privileges of the *monarchy*; whether the good intentions manifested by some of her princes must not remain utterly inefficacious in a Diet, where *one* ill-disposed or ill-advised voter can prevent the passing of any measure; and when unanimity can only be expected in a case where the object is to defend *prerogative*

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against popular right? We think it easy to foretell what answer an impartial man will give to these questions.

That which might justify the princes as individuals, does not, and cannot, justify them as a political body: and the demonstrated inefficiency for good, but activity for evil, manifested by the Confederation, calls for a sentence of condemnation from all sound thinkers on the forms and powers of government. We do not, indeed, imagine that the Germans entertain any very great love or reverence for a body which, instead of uniting them into an independent and respectable power, has crushed them into a political cypher, and rendered them contemptible and ridiculous in the eyes of foreign nations. Yet, should they still cling with foolish solicitude to this shadow of a government and a legal order, we hope that they will open their eyes, and scan the lineaments which we now present to them in a short portraiture of their Confederation. It is a body which passes all its resolutions in secret; which makes division the supporter of union, and sets up absolutism as the guardian of freedom. It is a body whose more powerful members are only held together by their desire of tyrannising united over the weaker; and who keep jealous watch over one another, lest any one, by supporting measures of general benefit, should become more popular than the rest. It is a body which possesses no means of forcing its more powerful members to submit to its resolutions; and whose organ, the Diet, is so unfit for business as to be compelled, on every occasion of importance, to take refuge in diplomatic conventions and congresses of ministers. In fine, it is a German Confederation, whose principal strength resides in powers not German: it is a Confederation of Princes who ought to guarantee the rights of their people, but leave them unprotected and defenceless!

As yet there is not one German State whose constitution secures to it one half the freedom which France—that France which Germany vanquished—gained from the charter decreed by her king. The German press never ventured upon what the press in England daily does; the opposition of the German parliaments is a child, in comparison to the gigantic opposition of other constitutional lands. Amongst the mass of the population but weak and transitory signs of political life have

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hitherto been visible; and our German brethren are kind-hearted enough to ascribe all their sufferings to the Confederation, yet to love the individual governments of which that Confederation is made up.

Yet, kind-hearted as they are, there is not in Germany one man of high and honourable feeling, one man anxious for the establishment of law and constitutional liberty, who does not execrate a Confederation which, not content with crushing every hope of unity and independence, adds insults to its injuries, and libels the character, while it ruins the best interests, of the nation it should represent!

Article VII.

Report from the Select Committee on the British Museum; together with the Minutes of Evidence, Appendix and Index: ordered by the House of Commons to be printed, 14th July, 1836.

Amongst the institutions which the Government of this country has provided for the intellectual improvement of the nation, a prominent rank must be assigned to the British Museum. Viewed either as a depository for the exhibition of the more instructive productions of nature and of art, or as a library from whose stores the student of the present gāthers information from the past, it is to be regarded as an important engine in forwarding our progress towards a more highly cultivated stage of civilization, and consequently as an establishment in whose welfare the Legislature must be deeply interested. How far the Museum has, since its foundation, promoted the objects for which it was instituted; how far its present condition is calculated to satisfy that thirst for information by which this age is so remarkably distinguished; and how far, by an improved organization, it may accelerate, instead of tardily following, the march of science and literature, are questions, which, when viewed with consideration, assume an aspect of no ordinary importance.

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It is admitted that all institutions must, sooner or later, from the very nature of things, require an amendment of the rules by which they are regulated. The changes which occur in the political, moral and literary state of society, must, from time to time, supersede a certain portion of every code of legislation and lead to the introduction of corresponding improvements. In an establishment like the Museum, which is affected by the progress of mankind in science and literature, such alterations to be effectual must be frequent, and the rapid and important changes which have occurred within the last few years, convince us that this institution, if intended to be useful, must be in a constant state of improvement. We are justified in assuming, therefore, that the trustees and officers ought to be willing, or we should rather say anxious, to meet the exigencies of the case; and if they fail in this first principle of their existence, they do not perform the most important duty to which they are appointed, and the sooner they are relieved from its responsibility, the better for them and for the public.

'Long impressed with the truth and importance of the sentiments which we have propounded, and interested in the welfare of an institution which has done much, and might do more, for the national service, we have watched with no little attention the proceedings of "The Select Committee appointed to "inquire into the condition, management and affairs of the "British Museum." The greater number of our readers is probably aware that this Committee has brought its investigations to a close, and that its proceedings, having recently been presented to The House, are now published. This Committee has sat during two successive years, it has had before it the testimony of sixty-eight witnesses, it has availed itself of the experience of most of those individuals who, from their situation in the Museum, their acquaintance with general or particular literature or science, or their experience in similar establishments, might be considered capable of furnishing information or of suggesting improvements. The object which it had in view appears to have received the co-operation of Government, the returns of whose agents, as printed in the Appendices, furnish information upon the present state of almost every library of magnitude in Europe. After the

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expenditure of so much time, money and labour, we are surprised, disappointed and indignant at the results; we find in every step that private pique and private interest have been opposed to, aye, and have almost thwarted, public good; that the endeavours made to investigate the affairs of the Museum, with a view to its improvement and extension, have been met, on the part of the Trustees, by equally strenuous endeavours to mystify the little truth which they were obliged to communicate even upon indifferent points, and to shroud the whole in obscurity. Where great pains are taken to conceal and to mislead, we naturally conclude that there is some radical defect. We cannot too strongly condemn the course which has thus most mistakenly been pursued, not only towards a Committee of the House of Commons—upon which House, be it remembered, the British Museum is absolutely and entirely dependent—but also towards the Public, for whose sole use and pleasure the Museum, with all its apparatus of Trustees, Officers and Dependants, was founded, is preserved and has to be supported.

The 1500 folio pages of this Parliamentary document furnish, we repeat, very little real insight into the constitution, arrangements and capabilities of the Museum. It will be our object, however, in the following pages to glean from this mass of evidence the information which it contains upon one or two of the most important divisions of the establishment, to place that information, together with some additional illustrations, candidly before our readers, and to direct their attention to the inferences which naturally arise from a review of the subject.

We commence with the Committee, and at the outset we find ourselves called upon to question the fairness of its constitution. Out of the fifteen members of whom it was composed, two were Trustees and two others were the sons of Trustees. Throughout the whole course of the examinations we trace that decided bias towards the preservation of the existing state of things which might have been anticipated from those who were at once advocates and judges. We make no remark upon what we, in our ignorance, might have been inclined to style the indelicacy of a Trustee sitting in judgment upon his own conduct, for we presume, since it has the

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honour to receive the countenance of the Hon. Baronet, the Member for Oxford, upon another occasion*, that such a proceeding is perfectly in accordance with the rules of the House of Commons. It is also understood that when this Committee was granted in 1835 (during Peel's administration, be it remembered), it was placed, contrary to the usual mode of conducting Parliamentary inquiries, under the superintendence of a Chairman who was known to be strongly opposed to the party by whom the investigation was instituted, and colleague of the Hon. Baronet whom we have just now mentioned. The spirit entertained by that party, or insidiously attributed to it, was such as to raise powerful impediments in its progress towards the end which it evidently had in view; and the reports which were industriously circulated and generally believed, were calculated to awaken the prejudices of those who might have been inclined to promote the investigation. It was proclaimed, skilfully enough, that the interests of the Officers of the Museum were at stake; and when called before the Committee, it seems to have been their ambition, with a few honourable exceptions, to give such replies as contained the least possible information. If any tendency to a different line of conduct were manifested, the incautious witness was speedily reminded that he was in the presence of a Trustee; and without imputing to those Trustees who were members of the Committee, the slighest intention of unduly influencing the testimony of their officers, the mere knowledge of their relative positions must have tended, and did tend, however the truth may be glossed over, to the suppression of facts or of opinions which should have been given in evidence. The information furnished by other witnesses was, of necessity, much less important, for being comparatively ignorant of the constitution and internal management of the Museum, they were unable to supply data upon which an estimate of the advantages and disadvantages of the present system could be formed; and their testimony furnishes, for the most part, a few disjointed specimens of imperfect criticism upon minor points, into which, in our opinion, it was beneath the dignity of a Parliamentary Committee to enter, or a crude and clumsy attempt to explain an ideal constitution of which they them-

* See our Review of the Committee on Public Records, p. 143 *ante*.

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selves had no distinct conception. From a Committee so constituted, and from witnesses so fettered, the whole truth was not to be expected.

In many instances the examiners adopted a mode of questioning witnesses which seems open to objection, either as not well calculated to elicit the whole truth, or, if elicited, to prevent the statement of that truth from having its due weight upon the minds of the Committee. Although it be neither our wish nor intention to enter upon the discussion of these more minute points of inquiry, we cannot refrain from exhibiting one or two instances of as short-sighted policy as ever came beneath our observation; and, for the purpose of economizing our space, we have selected those instances in which the spirit and good sense of the witnesses under examination have resented and exposed the fallacy of the inference which it was attempted to deduce from their statements. A witness, to whose abilities and experience more deference should have been paid, having afforded some information upon the errors and defects of the Harleian Catalogue, which, we are bound to say, might have been more severely criticised, the following conversation ensued:—

"Do you know the proportion which the manuscripts catalogued in the French King's catalogue, bear to the manuscripts in the Harleian catalogue, taking the printed matter in a page of the Harleian and comparing it with the printed matter in a page of the French King's catalogue?—No, I do not; and whenever I have given an opinion upon any thing connected with the British Museum, or with any other institution, I have never thought whether the systems adopted in other countries were perfect or imperfect; I merely looked at the one of which I was writing, and considered whether it was such as it ought to be, and not whether it was as good as similar things or institutions elsewhere.

"Then you took an abstract standard of perfection by which you have tried the institution respecting which you were writing, rather than any standard to which you could point attention as in actual existence?—No, I did not found my opinion upon abstract standards of perfection upon the point immediately under consideration. I had many existing standards. I had the standards even of the first two volumes of the Harleian catalogue itself, in which, though far from complete, the manuscripts are much more fully described than in the third volume. I had also the standard of the Lansdowne catalogue, as well as of every good catalogue of manuscripts in existence."—(*Nicolas*, 1836, No. 3666-7.)

To the answers here given it is unnecessary for us to append any comment; we remark however, that during the remainder of this witness's examination he was not again called upon to institute a comparison between the imperfections of the

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Museum and those of any other establishment in Europe, possessed of perhaps not half the same funds or privileges. The next extract is of a different character, and also speaks for itself. A witness has been explaining to the Committee the benefits which, judging by his own experience, he believes would accrue to the Museum, if scientific tours were made by competent individuals connected with that establishment, to certain districts peculiarly rich in fossil remains; and having shown that, in this manner, he had gained a vast number of very valuable specimens at the price of his own duplicates, he concludes that if a person were to take a month's tour from London to Christchurch, thence to the Isle of Wight, and thence to Weymouth, the expenses of the party might be paid (after the Museum collection had been furnished with the best specimens) by the sale of the duplicates. The examination is thus continued:

"Then, though you do not wish to express an opinion that a permanent servant of this description should be attached to the Museum, yet you think that at certain times of the year persons should be deputed to undertake journeys for the purpose?—I think it would be highly desirable, and I think the Museum should open communications with other museums for the exchange of duplicates, by which they might very considerably enrich the collection, and at no expense to the public.

"Will you explain to the Committee how this object of enriching the Museum is to be accomplished by travelling agents, and at no expense to the public?—With very little expense to the public, in this way; I am speaking now from my own experience as regards visits to the Crag formation, and to those of the London clay, of the Hampshire coast and of the Kimmeridge and Oxford clay in the neighbourhood of Weymouth. The number of specimens I acquired, including a considerable number of duplicates, enabled me to exchange with the Scarborough and Whitby Museums, and thus to supply myself with an excellent collection of lias fossils which I should not have possessed had it not been for the vast quantity of duplicates I brought home with me. I make it a principle to collect duplicates, to act as current coin in those matters; and from having frequently attended sales of fossils, I am fully convinced, from the prices which those fossils have fetched, that the mere sale of the duplicates would go a great way towards paying the travelling expenses incurred in collecting the whole.

"Do you consider it consonant with the dignity of a great national collection to have peripatetic collectors engaged in procuring specimens, and in bartering with other museums in the manner that a private collector is at liberty to do?—I should certainly say it is by no means beneath their dignity so to do. The character of a private individual is quite as dear to himself as the character of a British Museum officer would be. I appeal to every collector in London whether they have not acquired specimens by exchanges, and I appeal to every gentleman who has done so, whether he considers it in any shape beneath his dignity." —(*Bowerbank*, 1836, No. 869-871.)

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But we willingly pass from such questions as these to the discussion of subjects more pleasing and more important.

The influence which the Museum is calculated to exert upon the intellectual improvement of the country may be exercised, as we have before stated, in two ways, each independent of the other, namely, by being open to public inspection, and as a place of study. In both these capacities its present state is liable to great objections and requires great improvements. According to existing regulations, the Museum is open to the public from ten until four o'clock on each alternate day, and is closed for a week at Easter, Whitsuntide and Christmas, and also during the whole month of September. This arrangement we consider arbitrary and injudicious. We see no good reason why, during the summer, it should not be opened at eight or nine in the morning, and closed an hour before sunset. From ten till four may be very good hours for exhibition during the months of November, December and January, but we are unable to apprehend why the same rule should be applied to May, June and July. We are aware that difficulties have been thrown in the way of any proposed extension of the hours of admission, by raising the improbable supposition that the rooms might become places of resort for drunken and disorderly characters, and that the collections and the visitors would then be exposed to greater danger of being plundered, than during the existence of the present arrangement. These objections are far-fetched and imaginary, and even admitting them to be founded in truth, the addition of a few extra attendants or the presence of a police officer might be easily obtained, and the difficulties would be removed. The public is excluded every Tuesday, Thursday and Saturday, upon which days, however, visitors of distinction are understood to be admitted, and the reason assigned by the officers is, that the rooms may then undergo the necessary cleaning and dusting. Admitting, as every one must do, the necessity of such operations, we venture to inquire whether this cleaning and dusting might not be performed within somewhat less time than it seems to occupy at present; but if such exertions be really too much for the strength of the establishment, we respectfully suggest to the Archbishop of Canterbury, the Lord High Chancellor of Great Britain and the Speaker of the House of Commons, upon whom devolves

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the responsibility of the patronage and appointments vested in the trustees by 26th Geo. II., the propriety of instructing their principal librarian to exercise to the fullest extent the important duty confided to him, by adding to the present "staff" of the Museum a few more housemaids. That regulation which excludes the public from the inspection of the Museum throughout the weeks of Easter, Whitsuntide and Christmas, is highly injudicious, and the disappointments and complaints which arise from it must be notorious to almost every one who may happen, during these periods, to pass through Great Russell Street, or to read a newspaper. Then, rather than at any other time in the year, it should be open; for then it is most likely to convey instruction or to afford amusement to the youth of Great Britain: and a taste for science, or literature, or the fine arts, influencing the future character of the man, might be awakened by a holiday visit to the Museum. It is fortunate that the good sense of the Committee, having come to the conclusion "that it is advisable that the Museum be "hereafter opened during the Easter, Whitsun and Christmas "weeks, except Sundays and Christmas-day," renders it unnecessary for us to dwell longer upon the absurdity of a regulation which we hoped ere now to have seen abolished; but we are compelled to remark, with some little surprise, that the Museum was not opened during the Christmas which has just passed over our heads.

This obstinate adherence to a rule in which the convenience or the caprice of a few is unnecessarily opposed to the happiness and benefit of the many, does not prejudice us in favour of the good sense or good feeling of the trustees, and we are sorry for it. The public, it is stated, could not be advantageously admitted in the month of September, that month being devoted to reparations, white-washings and re-arrangements. We consider this statement of somewhat questionable authority; the more especially since we find by a parliamentary return, that during September 1834, no less than 485 "persons of literary "and scientific distinction" were undeterred by the dangers of the white-wash, and "made out a good reason" for being admitted. We are unable to apprehend how these reparations, white-washings and re-arrangements should continue, year after year to occupy neither more nor less than the whole

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thirty days of the calendar month of September; and we are surprised at the precision with which the trustees or officers contrive to apportion to each mechanic his just share of the necessary labour, so that the work shall never be completed in time to admit the public one single day sooner than the first of October. We confess our inability to discover, moreover, how far it is necessary to shut up the whole building (excepting, of course, the reading room, with which, in the present remarks, we have nothing to do), because reparations, white-washings and re-arrangements may be needed in a part; and, guided only by common sense, we ask whether the public might not be gratified with the inspection of the Elgin Marbles, even although some reparations, white-washings and re-arrangements were actually at the same time being carried on, at the distance of nearly a quarter of a mile, in the King's Library. Let it not be supposed that it is our wish to deprive the officers, assistants or attendants, of their accustomed and necessary relaxation, or to suggest arrangements which would abridge their comforts. They, as well as we, are aware that the alterations which we propose are, in a great measure, practicable by the Museum as at present constituted. It appears by the statutes that an officer of each department must always be in attendance, and we inflict no great hardship upon such residentiaries, if we call upon the trustees to consider the propriety of admitting the public during such portion of the month of September as may not, *bonâ fide*, be devoted to necessary reparations, white-washings and re-arrangements.

The visitor, when admitted into the Museum, finds that he has still many impediments to surmount in attaining the information of which he may be in search. This remark applies in a certain degree to each department, but the imperfections of some have been more deservedly commented upon than those of others. Assuming our visitor to be a lover of natural history, in its widest interpretation, he will find that, although within the last few years a steady and regular increase in the collection has been observable, yet, even in its present improved condition, it is much inferior, both in extent and in the choiceness of its specimens, to the museum of Leyden; that of these specimens many are imperfectly designated on the labels attached to them, and more are nameless; that there

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is no catalogue to which the public can refer, and that this most necessary key is wanting, although admitted by the officers to be desirable, only because the increased number of hands requisite for its formation would render it expensive. The conchological department is said to be far superior to any other public collection of the same nature, and instead of being, as it was ten or twelve years ago, a disgrace to the country, it has now assumed a first-rate importance. To render this collection useful to the student and interesting to the general observer, it is necessary that the scientific and vernacular name of each specimen, so far as it may have been ascertained, should be affixed. Much, very much, has yet to be done in this particular; and it is useless for the Museum to deny that this defect has been the cause of great and general dissatisfaction. We admit that some progress has been made since the Committee was appointed, and we give the officers full credit for this small instalment of a debt long due. We trust that the work thus commenced will be zealously prosecuted, and that it will not be delayed or discontinued because the Committee no longer sits and "the pressure from without" is removed for the present. The limits within which we are unwillingly compelled to confine this branch of our subject, prevent us from commenting as fully as we could wish upon the other divisions of natural history. We, therefore, pass over the ornithology which is said to be the most perfect collection in the Museum, and of which not a single species is named by its scientific designation in the synopsis (which is placed, by authority, in the hands of the visitor upon the payment of one shilling and sixpence), nor nearly a quarter named in the general collection; of the vertebrated animals there are seven skeletons in the British Museum, and two thousand six hundred in the collection at Paris; the mammalia one witness stigmatises as an opprobrium to our nation, and another pronounces to be gems arranged with great taste and judgment; the ichthyological collection does not contain above one fourth of the known species, of which not one in fifty is named; upon insects and crustacea the sum of *5l.* 15*s.* has been expended by the trustees in five years; the collection of reptilia which, being superior to any other in England, is neither exhibited, classi-

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fied nor named; the fossil organic remains, the great body of which has not been displayed for many years; the gallery of "minerals," which the keeper of the "manuscripts" pronounces to be in extent and arrangement probably more perfect than the collection at Paris, he not having inspected that collection: these, and many other most interesting assemblages of birds, beasts and fishes, must, for the present, be contented to remain "unnamed, unhonoured, *unforgot*."

We unwillingly pass over the department of antiquities, the most beautiful and not the least instructive division of the Museum. The Elgin, Towneley and Phigalian marbles, the Terracottas, the Hamilton Vases and the bronzes of Siris, are well worthy of the sums which have been expended upon them, and are gems of which the nation has just cause to be proud. We might easily exhibit the moral and intellectual advantages which have resulted and will result from this department of the Museum, and might show that it has tended, in no small degree, to an improvement in the general tone of our popular feeling. Exclusive of these higher grounds, we might prove, from the testimony of the Right Hon. Spring Rice* and Sir Charles Burrell†, that it has conferred pecuniary advantages upon our Exchequer, and we might quote Wedgwood's testimony, that in consequence of the purchase of the Hamilton Vases, our manufacture of earthenware has increased in such a rapid proportion that the additional duty of one year has long since counterbalanced the outlay. The present condition and future improvement of this department of the Museum must be here passed over; and we pass it over the more unwillingly, because the evidence upon it which was laid before the Committee, is neither so definite nor so satisfactory as it might have been, because little or nothing has been said upon the coins and medals.

But however much the public may be interested in or benefited by the inspection of those portions of the Museum which are opened to every visitor, we apprehend that greater importance is to be attached to the library of printed books and manuscripts. No inquiry involving research into the history, the arts or the literature of antiquity can be suc-

* See *Mirror of Parliament*, 14th April, 1834, p. 1022.

† See do., 14th August 1833, p. 3794.

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cessfully prosecuted without a reference to the information there deposited; and it may be said that, in general, its aid can be dispensed with only in questions of abstract reasoning, where the mind is employed solely in working upon its own resources. Neither the general History of England, nor any question affecting our laws, constitution or ecclesiastical establishments, can be decided without examining its chronicles and state papers; there is scarcely, for instance, a modern county history in which we do not trace references to its unpublished charters and other documents which exhibit the transmission of property and the descents of families; nor can any genealogist pretend to frame a pedigree without consulting its Herald's Visitations. Besides the assistance which the Museum affords to men engaged in such researches, it is of every day utility to the innumerable writers who furnish a supply of that correct yet popular information upon subjects of which, until the last few years, the bulk of mankind was profoundly ignorant. We believe it may be asserted that by far the greater number of the volumes issued by The Society for promoting Useful Knowledge, is compiled within its walls, and much of the extended information of the present day is to be attributed, directly or indirectly, to the Reading Room of the British Museum. The advantages which it offers as a collection infinitely richer and more extensive than any private individual, however wealthy and liberal, can hope to amass, must always be acknowledged and appreciated by the intellectual population of England in general, and of London in particular; and judging of its extending utility by its frequenters, who within the last few years have multiplied tenfold, we are warranted in believing that its present condition and future management are worthy of some consideration. It is, therefore, of the utmost importance, not only that the library be complete, as far as practicable, but that such facilities be afforded by catalogues and indices, as may enable the reader, with the least trouble, to derive the greatest possible benefit from its contents. Let us examine how far this has been accomplished in the two divisions into which the library naturally divides itself, namely, those of Manuscripts and Printed Books.

The collection of manuscripts is extensive and valuable. Pre-

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suming that additions in the usual proportion have been made since evidence was given upon the subject, it may be calculated at about twenty-four thousand volumes. To prevent misapprehension, we may remark that the number of volumes furnishes no correct idea of the number of articles; some volumes of State Papers or Letters, for instance, containing several hundred separate pieces by different writers, and some cases, on the other hand, occurring where several manuscripts, each forming an individual number in the catalogue, are bound up into one volume. This general mass is composed of various separate collections, each known and referred to as an independent series, and each distinguished, to a certain extent, from the others, by the prevailing character of its contents. We make a few remarks upon each.

The Cottonian Library of Manuscripts is undoubtedly entitled to pre-eminence, not on account of its number, but because it is the most select and valuable collection, not only in the Museum, but in the kingdom. It was formed by three successive baronets of the name of Cotton, Robert, Thomas and John, and will always be a monument of the learning, taste and liberality of that illustrious family. Sir Robert Cotton, the founder of the library, was born in the year 1570, and lived at a period most favourable for collecting manuscripts. The suppression of the monasteries, then a comparatively recent occurrence, had thrown the greater number of their libraries into the hands of laymen, who being, for the most part, ignorant of the nature and value of the contents, regarded them as an incumbrance rather than an acquisition. Chronicles of the general history of England, or of particular periods, compiled frequently from the personal observation of the writer, the poetry by which the listless hours of many a jovial abbot had been enlivened, charters founding or conveying grants, of lands or privileges to ecclesiastical establishments, and which until then had been preserved with the most religious care were in sir Robert Cotton's time neglected or destroyed. We have proof that many volumes, each of which would produce at this day some hundreds of pounds, were then appropriated to the use of the bookbinder; and we are informed by tradition that the copy of Magna Charta now exhibited in the Museum was saved by sir Robert

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from the shears of a tailor by whom he was about to be measured for a pair of nether garments. It is not our intention to trace the eventful history of this library during the period in which it remained the private property of these three illustrious baronets; but it is necessary for our purpose to show how it became a part of the British Museum. In the year 1700, an Act was passed, by which, after declaring that "sir John Cotton, in "pursuance of the desire and intentions of his father and "grandfather, is content and willing that his mansion-house "and library should continue in his family and name, and "that it be kept and preserved by the name of the Cottonian "Library, for public use and advantage," it was enacted that, after sir John's death, the said library should be vested in trustees, and carefully preserved for the public use without suffering any alienation or embezzlement upon any account whatever. After some peregrinations, it was the misfortune of the library to be deposited in Ashburnham House, in Little Dean's Yard, Westminster, where upon the 23rd of October 1731, a fire broke out which destroyed several and damaged many of the manuscripts, and had nearly proved fatal to the whole collection. Upon the establishment of the Museum in 1753, the Cottonian Library did not escape the notice of Government, and the act passed in that year directs that the said library be deposited in the new institution. The collection, which originally consisted of nine hundred and fifty-eight volumes, was reduced by the fire to eight hundred and sixty-one volumes, of which, when brought to the Museum, one hundred and five were damaged bundles preserved in cases. Before the publication of the present catalogue, fifty-one of these damaged manuscripts were restored and rendered available for use by being arranged and bound. "The remaining "sixty-one bundles," says Mr. Planta the compiler, "have "appeared to me irretrievable; and indeed most of them seem "to be obscure tracts and fragments of little or no importance. "They are now contained in sixty-two cases."

This collection is provided with three catalogues, each of which, from certain defects in the others, may be consulted with advantage. The first was printed in 1696, fifty years before the establishment of the Museum; it formerly ranked very high in estimation, and in some particulars is far superior

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to all others. Having been compiled before the fire at Ashburnham House, it contains a description of the manuscripts then destroyed, which, in the absence of the manuscripts themselves, is a valuable record of what formerly existed. Prefixed are a life of sir Robert Cotton, and an excellent history of his library; the index is worthy of considerable praise, being, to a great extent, a classed one. The catalogue upon the whole is an exceedingly valuable production, and it is with some surprise we notice that no copy of it is kept in the Reading Room for the use of the public. In the year 1777, a bookseller of the name of Hooper published in octavo a classed list of the Cottonian library, drawn up during the time of sir Thomas Cotton, and deriving its chief value from being the only published catalogue in which the Cottonian charters are described. Of this work no copy is kept in the Reading Room for the use of the public.

In the year 1802, the present catalogue was published. It was drawn up by the late Joseph Planta, keeper of the manuscripts, and was printed by the Commissioners of Public Records. The chief merit of this enlarged catalogue is, that in describing the numerous volumes of State Papers and Letters which in Smith's catalogue are briefly entered as "Transacta" between certain countries at certain dates, an abstract of each document is given by Planta; these abstracts, however, are often very erroneous and very imperfect. In other respects it is little else than an extended edition of Smith's work, of which Planta in his preface speaks in terms unnecessarily disrespectful. It is not without positive defects —it omits all description of the greater portion of the burnt and damaged manuscripts; it gives no notice of those transcripts in the Harleian, Lansdowne and Additional collections made from the volumes now destroyed; in those cases where Wanley, in Hickes's Thesaurus, has given a full account of the Saxon and early English manuscripts, as he has done of every one, both destroyed and existing, Planta contents himself and disappoints the reader by a mere reference to Wanley's catalogue; where Smith's errors had been detected and amended before Planta's time, such amendments have not been adopted; and the Cottonian charters have

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not been described unless they happen to be pasted down into books—an absurd distinction.

But all these defects are trivial compared with the slovenly manner in which Planta has discharged one of the most important duties which devolved upon him as the compiler of a catalogue of manuscripts. Every one acquainted with such researches, is aware that the value of each document is materially affected by being known or unknown to the world, and that one of the first steps which is taken when a supposed discovery is made, is to ascertain, by a reference to the best authorities, whether such information may not actually be printed. It is, therefore, of the utmost importance that the compiler of every catalogue of manuscripts should spare no trouble in discovering how far the contents of such manuscripts have been published; and all catalogues in which such information is not communicated, are defective in one of their most important features*. Planta's catalogue comes under this last corollary, for he has not taken the trouble to indicate where such manuscripts as he describes, or any parts of them, are printed, except in the most common-place instances, and those instances are given as if by accident. Thirty-five years have elapsed since the publication of this catalogue, and during that period its defects and errors must have been obvious to the keepers and assistant keepers of the department of manuscripts; and yet, to the discredit of the establishment be it said, not a single addition or correction has been made for the use of the Reading Room. Have they made any for their own use? It is not to be expected that every student can know all these deficiencies, or how to remedy them, but it is believed that there is not a student in the habit of consulting the Cottonian catalogue who has not detected errors or deficiencies.

* We will give one instance out of the hundreds which might be adduced, of the results arising from this neglect. Von Raumer, in his recent work entitled *Contributions towards a History of Queen Elizabeth*, has printed from the Museum a series of letters upon the affairs of Scotland, which he believes to be new to our history. After an inspection of the first hundred pages of this volume, it appears that nine-tenths of these contributions have been printed in KEITH'S *History of Scotland*—a fact which, if mentioned in the catalogue, would have saved Von Raumer from such an egregious blunder, and our historians from the imputation thus cast undeservedly upon their research and discrimination.

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The Harleian library of manuscripts, formed by the two successive earls of Oxford of the name of Harley, is the most extensive collection, and, next to the Cottonian, the most valuable in the Museum. It contains seven thousand six hundred and thirty-nine numbers, which may be estimated at about seven thousand five hundred volumes. The catalogue printed in 1808 by the Commissioners upon Public Records is that which is at present deposited in the Reading Room. A very inconsiderable portion of this work was produced by the officers of the Museum. The numbers 1—2407 were described by Humphrey Wanley, librarian to the earls of Oxford, and the description of these numbers occupies 1346 pages, being at the rate of two manuscripts to three pages. Wanley's portion of this catalogue, so far as it extends, is decidedly the best which the Museum can produce; the errors of omission and commission are to be attributed rather to the state of literature at the time when he lived, than to any neglect on his part. In some articles the descriptions are unnecessarily prolix.

In the year 1726 Wanley died, and in 1733 David Casley continued the catalogue to number 5709, being 3302 manuscripts, the description of which occupies 338 pages; at this rate each page of the catalogue includes nine manuscripts and three quarters. In 1741 Mr. Hocker, continued the work to number 7355, being 237 pages, at the rate of rather less than seven manuscripts to a page. The labours of Casley and Hocker, having been found to be incorrect and meagre, were revised and augmented by Messrs. Douce, Shaw and Planta, and by archdeacon Nares, officers of the Museum; and from this improved edition the previous calculations have been made. Let us see how far this catalogue is entitled to the merit of being considered a revised and corrected edition.

Wanley's portion, which is nearly seven times as full as Casley's and nearly five times as full as Hocker's, is reprinted without alteration. No attempt here appears to have been made to correct the most palpable errors, not even those which are typographical, nor has the establishment of the British Museum in this instance thought it necessary to endeavour to keep pace with the extended information of nearly a century. With

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the additions and corrections made by authority of the Museum, the last volume of the Harleian Catalogue is the worst which has been produced, and is, in sober truth, a disgrace to the establishment. Even the Greek manuscripts are badly catalogued, at which, when we remember the classical attainments of some of the editors, we are surprised; and so little trouble has been taken, that the reader is referred for a description of the chief Biblical manuscripts to Mill's Prolegomena to his New Testament, and to Griesbach's Symbolæ Criticæ. This catalogue contains no description of the Harleian Rolls and Charters, which amount to about sixteen thousand. Almost thirty years have elapsed since the publication of this catalogue, and yet not a single addition or correction has been made for the use of the Reading Room*.

The Old Royal collection of manuscripts, presented to the nation by George the Second, contains one thousand eight hundred and eighty-four volumes. The catalogue drawn up by David Casley, and published long before the existence of the Museum, is incomplete rather than incorrect—a list rather than a catalogue. This catalogue was made a century ago, and its defects and errors must be well known to the officers, yet not a single addition or corrrection has been made by the establishment for the use of the Reading Room.

The Sloane collection of manuscripts, the least valuable of any, consists of 5017 numbers, equivalent, perhaps, to 4500 volumes. The catalogue was compiled in two years by the Rev. Samuel Ayscough, while unconnected with the Museum in which he afterwards obtained an appointment; it is a classed catalogue indifferently executed, and is not held in very high estimation, rather from the uninteresting character of the manuscripts which it professes to describe, than from its own demerits. Be that as it may, no better catalogue of this collection has been produced by the Museum; nor has a single attempt been

* We notice that the officers can make such corrections for their own convenience. Sir Frederic Madden communicated to the *Archæologia*, xxiii., p. 18, a full account of a Harleian MS. which is erroneously and imperfectly described in the catalogue; no notice of such imperfection is entered in the Reading Room copies. In 1835, when criticising Mr. Millard's index, the same officer tells us that another manuscript is "very foolishly described in the catalogue." It seems determined that, as far as the officers of the department are concerned, we are to be permitted to remain in our ignorance.

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made to rectify in the Reading Room copies, the errors which must have been detected during the fifty years in which it has been in use.

The Lansdowne collection of manuscripts consists of 1245 numbers; the catalogue was compiled by Messrs. Douce and Ellis, as keepers of the manuscripts, and was printed in the year 1819 by the Commissioners upon Public Records. Its compilation was an easy task, the greater part of the manuscripts being English; but while we admit that it is, in general, correctly executed, we ask why, although forming but a single folio volume of moderate bulk, it is divided into two parts, each part having a separate index?

The Hargrave collection of manuscripts consists of 499 numbers: they relate, for the most part, to legal antiquities, and are of very limited interest. Upon the catalogue drawn up by sir Henry Ellis in 1819, it is unnecessary to make any observations; it is of a very unpretending character, and is sufficiently good for the collection which it describes. For this catalogue the Museum is answerable.

The Arundel collection, consisting of 550 manuscripts, is favourably known to the public by a catalogue printed in 1834, which was compiled by the officers of the department of manuscripts, exclusive, it seems, of sir Frederic Madden.

Of the number of the Burney collection we are ignorant, for though it was officially stated on 25th June 1835 that the catalogue was then "nearly if not quite finished," and on 19th May 1836 that three or four sheets were to print before being completed, it has not yet found its way into the Reading Room.

We find ourselves in the same predicament in regard to the catalogue of the Syriac manuscripts, although, upon the date last mentioned, it was stated that 72 pages were printed, and that the remainder of the matter, equivalent only to eight or ten more, was complete. These last two catalogues, when completed, must also be carried to the credit of the establishment.

The collections above mentioned include all manuscripts of which any catalogue has been printed, or, judging by the evidence and returns, appears to be in progress. Such of these catalogues as are provided with indexes describe about

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17,000 manuscripts, but so little has public utility been regarded, that no attempt has yet been made by the establishment—for Mr. Holmes's classified arrangement appears to be a private undertaking*—to amalgamate into one the seven separate indexes which at present it is necessary to consult before the existence or non-existence of any document in these collections can be ascertained. These indexes, too, have been framed at different times by different individuals unconnected with, and independent of, each other; they are without any uniformity of plan or similarity of execution, and vary in their degrees of merit from miserably bad to tolerably good. Truly, this is taxing to the uttermost the good-natured forbearance of us "gentlemen who frequent the Reading Room."

We have now accounted for about 17,000 manuscripts, but how are we to become acquainted with the contents of the remaining 7000 volumes? In endeavouring to solve this question (upon which, after all the explanations furnished by the Rev. Mr. Forshall and Mr. Holmes, we are somewhat in the dark), we must introduce our readers to a new class of manuscripts, denominated "Additional." It embraces such as having been *added* to the establishment by donation or purchase, have not been kept apart as a distinct series, but have been appended to the Sloane collection. They therefore extend from number 5017, at which the last-named series ends, up to the latest article which the Museum may have acquired. The importance of these details will presently be obvious. These additional manuscripts from 5018 to 7079 (not 6803, as has been stated) are described in a series of written catalogues deposited in the Reading Room, drawn up without any arrangement, and unprovided with indexes. The consequence is, that any volume which may happen to be one of those intermediate numbers, can be known only to such readers as have leisure to examine twenty-five folio written volumes, without indexes, or, what is more convenient still, may have the good fortune to be upon friendly terms with the

* We have looked in the Reading Room for this catalogue, but without success. Has Mr. Holmes's zeal failed him, or have the trustees declined to accept his offer? Be that as it may, the promise was publicly made and must not be forgotten.

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keepers. We might easily adduce numerous instances not only of the inconveniences but the positive losses in time and money, which result from such a careless and slovenly state of things, but we content ourselves with one which was given in evidence by sir Harris Nicolas.

"Are there many volumes of manuscripts uncatalogued altogether?—I believe there are.

"Will you describe those portions of the manuscripts which are uncatalogued?—I do not exactly know what manuscripts are uncatalogued, because I am only cognizant of the existence of such manuscripts in the British Museum as I find mentioned in the catalogues.

"There is no printed catalogue of the additional manuscripts from No. 5018 to 6803?—There is no printed catalogue of the manuscripts in the King's library, or of Dr. Burney's collection, or of the Stepney papers, or of the Mitchell papers.

"Is not that a serious inconvenience to literary men?—Certainly; and I will mention one instance, in which it has been attended with serious effect. I was appointed by the Record Commission to edit the Privy Council books of the reign of King Henry VIII. I ascertained that there was a transcript in the Museum of one of the Council books, which I caused to be copied, presuming that the original was not in existence; but on accidentally mentioning the fact to Mr. Holmes, one of the assistants in the library, from whose intelligence and zeal I have often derived much benefit, he asked me if I had seen an *original* council book which had been purchased by the Museum, and which proved, on examination, to be the original of the one which I had had transcribed, but to which I had no clue whatever.

"Do you know how long before it had been purchased?—I believe two or three years. It was mentioned in the manuscript catalogue, but as these catalogues have no indexes there was no reference to it."—(1836, no. 3627—3631.)

Of the additional manuscripts from 7080 to 10,800, the latest number which we have noticed in the Reading Room, there is no catalogue, printed or unprinted. It is contended however, upon the part of the trustees, that certain "lists of "additions," (the principal object of which a trustee properly defines to be, that a donor to the Museum may have an opportunity of seeing that his gift has been received and properly recorded,) are to be regarded as provisional catalogues; but as such, and as not considering ourselves captious, we are not willing to receive them. There are lists of additions for the years 1828–1833, inclusive; they enumerate about 2500 manuscripts which are dismissed in one hundred and three small quarto and octavo pages. The lists are without arrangement, have no index, and are not printed for sale; their utility must therefore be extremely circumscribed. Those for 1834 and the

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subsequent years are not yet issued, consequently we have no opportunity of knowing by any document, printed or unprinted, with which the Museum furnishes us, of the accessions which it has received by donation, bequest or purchase since the last day of December 1833. The last manuscript entered in that list is 9707; from 9708 therefore up to nearly 11,000 (for we have observed in the Reading Room manuscripts numbered above 10,800) are undescribed in any list or catalogue whatever, so far at least as the public has the opportunity of knowing. But this does not exhaust the latent treasures of the Museum. We notice in the Reading Room more than 600 manuscripts belonging to the Egerton collection, but we can find no trace of these further than a list of less than one half that number, interspersed through these lists of additions. And yet from the bequest of the earl of Bridgewater the keeper and assistant keeper of the manuscripts derive no inconsiderable portion of their salaries. Such a precedent as this is not the best adapted to induce noblemen and gentlemen to become patrons of the British Museum. The celebrated collection of oriental manuscripts, formed by Mr. Rich, consists of upwards of 800 volumes. We cannot find the slightest notice of any of these in any list or catalogue deposited in the Reading Room, although they were purchased in 1825, twelve years since. After what we have stated, perhaps the keeper of the manuscripts will explain what he means when he says that there are not more than 200 volumes of which we have not some catalogue.—(*Forshall*, 1836, no. 4229.) If any catalogue has been compiled or printed, it has been for the benefit of the officers, not of the public.

There are circumstances connected with this suppression of information upon the contents of the department of manuscripts, which, at first sight, appear to merit no measured censure, and if not satisfactorily explained, may lead to the supposition that it originates in interested motives. We make no such charge, be it remembered, but we think that the officers have been, at least, very injudicious in exposing themselves to even the possibility of such an accusation. We notice, for instance, that in sir Henry Ellis's recent edition of Dugdale's Monasticon, frequent use is made of a valuable collection of original charters, bequeathed to the Museum by the late

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lord Frederic Campbell. This collection became known, we presume, to sir Henry, in his official capacity as keeper of the manuscripts, and this official capacity has afforded him an important advantage which he would not have enjoyed had he been a mere frequenter of the Reading Room. Lord Frederic Campbell died in 1816, and since that period we have been permitted to remain in ignorance, not only of the nature, extent and contents of these documents, but even of their very existence. Again, we see announced by the Oriental Translation Committee, that a translation from the Syriac of Elias, Metropolitan of Nisibis, is about to form one of their series, and that it is to be executed by the Rev. Mr. Forshall, keeper of the manuscripts in the British Museum. As we have not yet been favoured with any catalogue of the Syriac manuscripts collected by Rich, now deposited in the Museum, and as there is no list of them in Von Hammer's Fundgruben des Orients, we are unable to affirm distinctly that the chronicle of Elias of Nisibis is one of that collection. We venture to ask, however, whether this work be not one of the two referred to by Dr. Lee, in the report upon Mr. Rich's collection of manuscripts as a "history of the per-"secutions of the Nestorians," or as "an old chronicle, which "he considers as a very curious historical document?" Upon the 25th of March 1825 it was recommended by a committee of the House of Commons, that the sum of 7500*l.* be paid for Mr. Rich's collection, "and that it be placed in the British "Museum, for the benefit of the public." Has the benefit of the *public* been here consulted?

Again, the Cottonian collection of manuscripts formerly possessed two copies of a curious poem, written by a priest of the name of Lajamon, in semi-Saxon, which, from its dialectical peculiarities, possesses much value in the history of our language. One of these manuscripts, according to the authorised edition of the Cottonian catalogue, was destroyed by the calamitous fire of 1731, and its loss is there duly recorded. About the year 1830, Messrs. Black and Young, booksellers, intimated their intention of publishing the remaining copy, and incurred considerable expense in making the necessary preparations. An opposition was raised, however, by the Antiquarian Society

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of London, who, having appointed a Saxon committee, issued a prospectus in which the texts of *both* copies were promised, and the editorship of the publication was committed to sir Frederic Madden, assistant-keeper of the manuscripts in the British Museum. The recommendations which this prospectus offered, arising, be it remembered, from the promise of a manuscript which is announced by the Museum to the public as burnt, turned the balance in favour of the Antiquaries, and the booksellers were driven, with loss, out of the market. It now appears that the second manuscript was *not* destroyed by the fire; a fact of which the public was kept in profound ignorance until its announcement became convenient to the interests of the Antiquarian Society. We are obliged to add, that sir Henry Ellis, Mr. Forshall and sir Frederic Madden are members of this Saxon committee, and appear, from what we have stated, to take a considerable interest in its proceedings.

We have neither leisure nor inclination to pursue this subject. We might show, were we willing, how the conditions under which the earl of Bridgewater bequeathed his library to the Museum are virtually defeated; and how the sum which he left for the appointment of a Bridgewater librarian has been made part payment of the salary of the previously existing officers of the department of manuscripts. We might ask, why the public has not yet been made acquainted with the contents of those damaged Cottonian manuscripts which Mr. Forshall in 1834 thought of so much value, that he spent a great deal of pains in opening and washing them, an operation which took up much time and occasioned some expense (1835, Forshall no. 1112); why a transcript of the "considerable materials "which have been collected for a supplement to the Cotton "catalogue," by Mr. Forshall, and the printing of which he recommends (1836, Forshall, no. 4389), has not yet been deposited in the Reading Room; why the "not inconsiderable "preparation" towards a separate index to the Biblical manuscripts, made by the same gentleman some years ago (*id.* 4378) has not yet been in like manner made available; why the catalogue of the Harleian MS. 433, completed some years ago, is not yet forthcoming; why some means are not adopted to intimate to the public the existence of manuscripts, which, resulting

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from the labours of the department and being neither purchased, given nor bequeathed, are not, therefore, entered in the annual lists of additions (we have, in a former article, referred to one of these, the transcript of the Codex Exoniensis, with which we became acquainted by accident, how many more such volumes the Museum may possess we cannot pretend to say); why no notice is taken in any printed or unprinted list or catalogue of that more elaborate description of the Harleian manuscripts, drawn up by the celebrated Wanley, to which he so often refers in the printed catalogue of that collection, which last is, in fact, a mere abridgment of the former; and why a list of the latest accessions made to the department be not formed up to the end of every third month, since it is given in evidence by the senior assistant that such is practicable. These and other questions it would be more easy for us to ask than for the Museum to answer; but we have now done for the present with the department of manuscripts. We have shown that its published catalogues are, with one exception, at least *mediocre*, and that having exhibited culpable negligence in regard to its thousands of uncatalogued manuscripts, it has resorted to uncandid attempts at unsuccessful mystification.

Our examination of the department of manuscripts leads us to the following conclusions:—

First, That about 17,000 manuscripts are described in eleven printed volumes, some in folio, some in quarto; and that these cannot be perfectly examined without consulting seven separate indices. That although these catalogues are, for the most part, confessedly very erroneous and incomplete, not one line of addition or emendation has been introduced for the benefit of the public.

Second, That the 2500 manuscripts next following are described in about twenty-five manuscript volumes in folio, and that the contents of these twenty-five folio volumes are unarranged and unprovided with indices.

Third, That the 4500 manuscripts next following remain without any catalogue whatever; for the lists of additions have no claim to such title.

Fourth, That the keeper of this department holds another office which necessarily engrosses half his time; that the

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assistant-keeper has no share in its management; that its duties are performed by the assistants; and that the active and actual custody of the manuscripts is vested in the servants of the department.

This system of things must be amended; we say it for the interests of the establishment as well as of the public. We believe that the department is sufficiently numerous to be efficient; if not, let it be extended. Let the keeper of the manuscripts give his whole time to his peculiar duties, instead of dividing it, as he now does, with the office of secretary; let the assistant-keeper take a more prominent share than, according to the evidence, he is inclined or permitted to do; let the assistants be attached to the establishment by being appointed junior officers; and the imperfections upon which we have found ourselves compelled to comment will be removed with the system by which they have been called into existence.

The department of printed books, although perhaps less valuable than the library of manuscripts, is yet more frequently consulted, and therefore more generally useful. Its present condition and defects are, perhaps, more easily ascertained than those of any other portion of the establishment, thanks to the candour of its officers. The collection may be estimated at about 240,000 volumes, which form 300,000 titles or entries in an alphabetical catalogue. In extent it is inferior to the royal library at Paris, and to the libraries of Munich, Copenhagen, Berlin, Vienna and Dresden; but in the beauty of its copies, in the value of editions, in the number of large paper and vellum books, it ranks high in the list of European collections. Its annual increase within the last few years may be estimated at between four and five thousand volumes. These are added to the Museum from three sources—by donation, by virtue of the Copyright Act and by purchase. Donations, not only of individual works but of whole libraries, have been made with a liberality highly creditable to the nation. It has been stated in evidence, that if we were to deduct the collections given by the sovereigns, George the Second, Third and Fourth, the collections of Mr. Cracherode, sir William Musgrave, sir Joseph Banks, sir Richard Colt Hoare and others, and the books received under the Act, which are in point of fact the extorted donations of their respective authors, not one half

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of the number nor one third of the value of the library would remain. The trustees are anxious to have it recorded that the influence of some of their number, such as the Ministers, the Archbishop of Canterbury, the Bishop of London and the Speaker of the House of Commons, has tended to the advantage of the Museum, by securing for it such an important donation as the King's library. It must not be forgotten, on the other hand, that they have not, in every instance, adopted the most effectual mode of conciliating the good graces of intending donors; and if these "great names" have gained for us the royal library, which we take leave to doubt, they have lost to us such collections as those of Gough and Douce. During the course of a long life assiduously devoted to the investigation of British Topography, and Saxon and Northern Literature, Mr. Gough had amassed a large yet choice collection of books upon those subjects. Shortly before his death he addressed the following letter to the secretary of the Museum:—

"Sir, Desirous to preserve from the fate which too frequently attends such articles, the plates of the sepulchral monuments of Great Britain, and others which belong to the different works that I have published, it is my wish to present them to that great national depository, the British Museum, subject, however, to one condition, that myself, my representatives, or any person properly authorized by me or them, may, on such application to the trustees in committee as they may prescribe, have liberty to call for them, singly or altogether, for the republication of any of the works to which they severally belong, or for the accommodation of similar works.

"Should this proposal meet the approbation of the trustees, it is my intention, at some future period, to offer to their acceptance what I have the vanity to consider as nearly a complete collection of British Topography, in MSS., printed books, drawings and prints, on this condition, that it may be preserved altogether in a room, or on the side or sides of a room, on the first floor; and, as many of the articles are accompanied with loose papers, notes, &c., that they may be exempted from the usual rule of being carried into the Reading Room but perused in the apartment of the principal librarian, who shall determine on the propriety of making or publishing extracts from the MSS., I am, &c., *R. G.*"

When this letter was laid before the trustees, it was by them "ordered, that Mr. Beloe acquaint Mr. Gough that the "trustees have thought proper to comply with his request." "From that time," says sir Henry Ellis with amusing naïveté, "the trustees never heard anything more of Mr. Gough's "library." (1835, no. 1622.) They probably heard that he had bequeathed it to the Bodleian the then keeper of which

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library exhibited rather more anxiety to meet the wishes of the possessor than was manifested by the trustees.

The instance of Mr. Douce's collection is less clearly defined; thus much, however, is notorious. He was, during a few years, keeper of the manuscripts in the Museum, an office which he resigned in consequence of what he considered an interference on the part of a trustee, with the duties of that department. Upon his death in 1834, it was found that his exceedingly rich collection of manuscripts and early printed books was left, not to the Museum of which he had been an officer, but to the Bodleian library, with which he was entirely unconnected. His motive for this step was never fully explained, even to his most intimate acquaintance; but common report attributed it to the circumstances connected with his resignation. So much for donations.

The Copyright Act provides, or means to provide, that each publication shall be entered at Stationers' Hall or sent to the Museum, under a penalty of 5*l.* and eleven times the price of the publication, together with the costs of the prosecution. The average annual number of books and pamphlets so obtained is somewhat above 3000; these are procured with some difficulty, about one-fifth of the number published being lost, and every "dirty trick" being resorted to, in order to impose upon the Museum and to evade the Act. Books are added by purchase, the method of all others from which the most speedy and important results may be anticipated, always taking it for granted that an adequate sum be allotted for the purpose, and that it be so applied as to produce the greatest possible benefit. Judging by the evidence which has been laid before the committee, we must conclude that in both of these particulars the department of printed books has not been eminently fortunate. When we reflect upon the immense rapidity with which, since the invention of printing, works have been produced, the impossibility of ever forming a collection which may strictly be called perfect must be obvious; and the efforts of every establishment, present or future, must be to amass such a library as shall most nearly approximate to the best selection of the best books. Although the library of the British Museum be remarkable for its value rather than its extent, the bare fact of its comparatively recent establishment

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must compel its most strenuous advocate to admit that much must yet be done to render it perfect in any one branch of science or of art, and its improvement must be accomplished chiefly by purchase. Intending donors are offended and bequeath their books to the Bodleian, like Gough and Douce, or to the University of Cambridge, like the lord Fitzwilliam; publishers are sad fellows to deal with, and take advantage of the imperfections of the Copyright Act; but the influence which the "great names" possess over the House of Commons will surely be enough to procure for this most generally useful portion of the Museum, a sum adequate to its acknowledged deficiencies. This influence, alas! has not been possessed, or if possessed, it has not been exerted.

Such funds, moreover, as were obtained for the general purposes of the Museum, have not, in the opinion of one of its most intelligent officers, been applied so as equally to meet the relative necessities of each separate department. We illustrate this statement by the following particulars. During the last five years, from 1831 to 1835, the trustees have spent less than 1000*l.* a-year upon the library, while, during the same period, 7397*l.* were expended upon manuscripts, and, independently of the usual grant made in 1836, an additional sum of 2000*l.* was voted to that department for purchases at Heber's sale; the department of antiquities had laid out, from 1831 to 1836, no less than 20,000*l.*, and that of natural history has received 6400*l.* It appeared to us, at first, not a little singular that the smallest share of the public money should be given to the library, the deficiencies of which are most generally felt by the public; and we hazarded many conjectures, all which Mr. Panizzi has shown us are erroneous by furnishing an explanation of the favour exhibited to one department to the disadvantage of another.

"Looking at the collections which have been purchased recently, do you think the trustees were the most active promoters of those purchases?—No; I think the officers were. I think the augmentation of Mr. Forshall's department is owing to his exertions and to his having more opportunities than others have to speak to the trustees. I think the other officers have exerted themselves, and that the trustees have listened to them; but unfortunately in the printed book department that has not been the case; our just complaints have not been attended to at all.

"Then you think that an officer who is the head of any one department, being secretary to the trustees, has rather an undue advantage over the other

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departments?—Yes; and if I were secretary to the trustees, I would preach for the printed book department. An officer who does not feel the interest in his department which Mr. Forshall feels, would be unworthy of the situation."—(1836, no. 4927-8.)

Let us also hear the statement of Mr. Baber, the principal officer in the department of printed books. He is asked,

"Then in the resolutions which the trustees come to with regard to the management of the library, do they previously consult you?—Sometimes I am sent for into the room.

"Is there that general consultation and cordial intercourse which is satisfactory to you as head of your department?—Certainly not."—(1836, no. 4590-1.)

Here then is further proof, were further proof necessary, of the disadvantages resulting from the present order of things, and one of the many reasons why the office of secretary should not be held by the keeper of any department, to the exclusion of the others.

That portion of the general grant which is devoted to the purposes of the printed book department, is expended by its chief officer either upon his own responsibility, or, in those cases when the desiderata are of considerable value, after a previous application to the trustees for their sanction. We feel confident that the present officer discharges faithfully and judiciously the confidence thus reposed in him, and we regret that the whole funds allotted to the department are not placed at his uncontrolled disposal. The amount which, in individual cases, Mr. Baber may consider himself justified in expending without the sanction of the trustees, is not defined, but we may gather from facts elicited in evidence that it is too circumscribed. Booksellers and others, possessing expensive works which they may be willing to sell, are thus brought into contact with the trustees rather than with the officers; and when we bear in mind the lordly indifference with which the advances of intending donors were received, we must not be surprised if even a more haughty tone be adopted towards those who appear in the undignified character of tradesmen. When valuable works are offered by English booksellers to the Bibliothèque du Roi instead of to the British Museum, Mr. Panizzi, an officer of the latter establishment, very good-naturedly finds a reason for it in the economy of our House of Commons; but judging from parallel facts mentioned by other individuals, the inference obviously is, that this case

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of the trustees furnishes no exception to the rule that pride and poverty go together*. But if booksellers, unfortunately, do not find it worth their trouble to send works for purchase by the trustees, surely the officers in the department of printed books, men practically acquainted with the deficiencies of that department, are likely, to a certain extent, to remedy this evil by recommending to the notice of these lordly censors of the library, such books as ought to be purchased. It may be important to show how such recommendations are obliged to be made by the officers, and how they are received by the trustees; and here, again, we refer to the authority of Mr. Panizzi.

"Can you mention any particular instances of the trustees declining to make important purchases that were suggested to them?—Yes; I can mention instances even of single books that they have refused to purchase.

"Will you mention it?—..Another book offered was an edition of Ariosto, printed in 1532, the last which the poet corrected himself, shortly before his death; consequently, that is the only edition containing the poem according to the author's mind; it is a very rare book, a very costly book. The Right Hon. Thomas Grenville has a copy on vellum, because he never could get it on paper. Mr. Haurott had an imperfect copy, but Mr. Heber could never meet with one. The copy offered to the Museum by Messrs. Payne and Foss was the finest I have ever seen, the price asked was 50*l.* but I thought they would have given it for 45*l.*; the trustees refused buying it...

"When was this?—About two or three years ago...

"In the case you mentioned of an edition of Ariosto being offered, was any officer of the Museum within your knowledge consulted?—The trustees did not consult us, but we volunteered our opinion in this way. I found this book at Messrs. Payne and Foss's by chance, and I said it ought to be in the Museum. At my request they sent it to Mr. Baber, and I wrote a note to Mr. Baber, as desired by him, stating the importance of that edition. This note went in with the book itself, when it was offered to the trustees, but it was declined, and so there was an end of it.

"You have alluded to a copy of Ariosto and some other work. Are you confident that the proposal was brought before the trustees, and that the subject was taken into consideration?—Certainly; I know that the two books were sent in, and we had an answer from Mr. Forshall in both cases that the purchase was declined.

* Lord Stanley almost insultingly allowed that it might *occasionally* be advantageous to entrust one or two literary men with the management of their own affairs, by appointing them trustees of the Museum. Such literary men might find themselves perhaps somewhat out of their place among the present right reverend and noble personages to whom their affairs are confided; but we will venture to say that the more of them there are in such a situation, the less complaint there will be made against haughty indifference to the public interest.

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" Do you know the reasons why they were declined?—No.

" Do you think there have been other instances of what you would call a similar want of zeal or activity on the part of the trustees?—I know very little about it; Mr. Baber knows about the books that have been proposed, and which they have refused to buy.

" In your judgment was that copy of Ariosto worth the price asked for it?—Yes, it was sold for fifty pounds or guineas the day after to Lord Vernon; and it would fetch that price now."—(1836, *Panizzi*, 4809—10; 4819—22; 4884-5.)

Under such management we have cause to be thankful for the 240,000 volumes to which we have access. The only other point of consequence connected with this department of the Museum is the state of its catalogues, but our notice of this must be short, much shorter indeed than the importance of the question demands. By far the greater number of the witnesses who have been examined upon this subject have expressed, in the strongest manner, their anxiety that a classed catalogue of the library should be prepared, by the aid of which a reader may know what works have been written upon any given subject, although he may be ignorant of the authors' names. This information he cannot at present obtain, every work being entered in the existing catalogues under its author's name. Notwithstanding the arguments and illustrations advanced by Messrs. Baber and Panizzi* against the utility of this said classed catalogue, we apprehend that the public soonest feels and can best judge of its own wants. In justice to the trustees we must state that so far back as the year 1807 they came to the determination that a classed catalogue was necessary, the principle of arrangement having been detailed in a report made upon July 12th, 1806. Why this recommendation was not acted upon until the year 1824 we cannot pretend to say, but in that year a classed catalogue was commenced, the prosecution of which was entrusted to the Rev. Mr. Horne, he receiving for the same a salary of 260*l*. Other employés have occasionally been engaged upon certain classes, but their remuneration is not exactly specified. In 1880 this classed catalogue was so far stopped, that Mr. Horne was the only person employed upon it. In 1834 it was referred to the Greek Kalends, Mr. Horne being ordered to assist in the

* This gentleman in his examination refers to some reports and letters which we do not find in the appendix; how is this?

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preparation of a new alphabetical catalogue of the entire contents of the library. At this time there were in a state of classification about 180,000 articles, which Mr. Baber admits was about one half of the entire collection. The arrangement of 180,000 classified titles was *broken up* for the purpose of forwarding a new whim of the trustees; the formation, namely, of a catalogue upon a plan of their own, a plan too which one of the officers says was in opposition to the united judgment and recommendation of the department, and which he does not scruple to call a "wrong" one. After having expressed such an opinion, and furnished us with the details of this mischievous interference on the part of the trustees, which we have here given, how can the same officer account for his statement as given in the following answer?

"In your opinion, and from your knowledge of the Museum, should you say that the trustees take an active part in the Museum?—Not in the printed books, they have not generally that acquaintance they ought to have with it."—(1836, *Panizzi*, no. 4925.)

"It may be a matter of consideration," says Mr. Panizzi, "whether, after having spent so much and having gone so "far, it might not be better to complete" this classed catalogue. We recommend the question to the consideration of the trustees, it is one in the decision of which the public seem much interested.

The affairs of the Museum are conducted by two classes of agents, the executive and directive. Under the executive we may include the attendants, assistants and librarians. The first of these grades, the attendants, might have been dismissed without any further notice than a general encomium upon their civility, and the expression of a hope that their salaries might be so augmented as to free them from the necessity of hiring themselves out as waiters at dinner parties, had not the evidence of Mr. Holmes, by showing that they are entrusted with a very considerable share in the custody of the library, placed them in a more prominent character. When sir Henry Ellis is asked whether it be "customary to appoint any attendant or menial "servant to any responsible office in the library, or any other "department of the Museum?" his answer is, "No, certainly "not." But we learn from Mr. Holmes, an assistant in the department, that the attendants are entrusted with the keys of

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the presses in which the manuscripts are deposited; that these attendants, without the superintendance or even cognizance of any officer, manage the entire delivery and return of all manuscripts which may be required for the use of the Reading Room; that the register in which such manuscripts are entered when delivered to the readers, is kept by them alone; that they are required to give attendance, always one hour before and, during six months in the year, one hour after, the presence of the officers and assistants is necessary; and that the department is under their unrestrained controul during one entire day in each week, neither of the keepers being employed upon Saturday. Now, while we are perfectly willing to believe that these men are strictly honest, we cannot shut our eyes to the danger which *might* result from such a system, the maintenance of which as we gather from the evidence, is productive of positive disadvantage both to the establishment and to the public.

The assistants form the next class. These gentlemen are introduced to us in a variety of forms. We meet them first in the evidence of sir Henry Ellis, under the unpretending title of "fresh clerks," and recognise them under the denominations of "clerks and temporary assistants," "assistants or employés," "clerks or assistants," "subordinate assistants," and "young men." In one official return printed in the Appendix they are designated "clerks and assistants," and these form a portion of the table devoted to "attendants, servants "and other persons employed in the British Museum," but in another they are styled "other persons of a higher sort "employed in the Museum as assistants." The position which these gentlemen occupy in the Museum appears to be [illegible] anomalous and unsatisfactory. They are appointed by the trustees at the nomination of the keeper of the department to which they may be attached; and, although no [illegible] be expressed in writing which may give them a legal hold upon the establishment, the situation is a permanent one. They are subject, of course, to dismissal by the trustees, from the completion of the work upon which they are employed, or from misconduct, in which particulars they stand, we believe, exactly in the same predicament as the officers themselves. The assistants, in plain truth and mysterious sooth, are [illegible] officers, the trustees and the "staff"

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know it, but from some unaccountable prudery they are not definitely acknowledged as such. They perform the duties of officers; but then, says Mr. Forshall (1835, no. 1263), "they have no custody whatever." We gather from answers given by Mr. Holmes (1836, no. 4077–8), that the attendants, who have keys and custody, are under the orders of the assistants who have none. We are unable, therefore, exactly to define what their position in the Museum may be; but their status in society is more easily understood when amongst their number we recognise such men as Dr. Rosen, Professor of Oriental Languages in the University of London, whose acquirements are known and appreciated throughout Europe, and the Rev. Thomas Hartwell Horne, B. D., Prebendary of St. Paul's, whose learned and elaborate *Introduction to the Study of the Scriptures* has become a class-book in our universities.

Their remuneration is a daily payment of from ten to twenty shillings. If the assistant be a single day absent, from whatever cause, his pay is deducted. It matters not to the trustees whether the absence of the assistant be occasioned by his own illness, or the death of his nearest relative; if he indulge himself with a holiday after the continued exertion of body and mind during a twelvemonth, he pays for it; and, by an absurd refinement of cruelty, the gates of the Museum are closed against him for at least four weeks in the year, and he is fined for non-attendance. So much for the terms of their attendance; the mode in which their remuneration is paid to them is no less objectionable. It appears that while a favoured one of these assistants has a yearly salary and is paid by quarterly cheques from the trustees direct, monthly payment is made to the others by the *messenger*. Referring to the Appendix, we find amongst the household servants, &c., the aforesaid messenger, who is returned as having a yearly salary of 60*l*. with five guineas a year additional for his trouble in selling the Synopsis.

"Can you assign any good reason for such a mode of payment to literary men?—Certainly no good reason.

"Do you think it calculated to raise the character and to call out the exertions of gentlemen employed upon literary labours of importance?—I do not. I know of evil consequences resulting from it, and it is not, as I believe,

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satisfactory, as I have said before, to the feelings of any one so receiving it. . . .

"Would it not be desirable also that the assistants, particularly gentlemen in your situation, should be recognised as junior officers and put upon a permanent footing?—Our wishes, of course, lead us to desire that.

"Putting aside for the moment wishes that you might personally entertain, and speaking only as a literary man in reference to the effect of such an alteration in the regulations of the Museum upon literary men, do not you think it desirable?—I do. I have stated that I think the Museum has suffered a great loss by the situation of the assistants. I have stated that Mr. Stevenson left it on that account. I may also state, that an application was made to a gentleman, requesting him to become an assistant in the manuscript department, a gentleman highly distinguished for his knowledge of Saxon and northern literature, and who would have been a great acquisition to the Museum, Mr. Kemble: he refused for the same reason to accept the offer."—(*Holmes*, 1836, no. 3992-3, 4137-8.)

A reference to the duties which the assistants are engaged to perform shows at once the liberal education which they must have received, the value of their services and their claims upon the establishment. They are employed in preparing a description of the manuscripts; and the Arundel, Burney and Syriac catalogues have been formed by them under the superintendance of Mr. Forshall. The Burney and Syriac catalogues are not yet completed; the Arundel was published in 1834; and, having examined it with attention, we find it, as we have before stated, the best catalogue which the Museum has produced. Judging by this specimen, it appears that the assistants, besides being familiar with the abbreviations used in early manuscripts and the progressive changes in the art of writing, are acquainted with the Hebrew, Greek and Latin, Italian, Spanish and French, German, Saxon and Old English languages; that they must frequently and carefully have examined into the theology, the history, the medicine, the poetry and the philosophy of the middle ages; that every page implies research into the literary history of this and other countries; and that the readiness with which they cite the intricacies of the canon and civil law, the Decretals, the Sextus Decretalium, the Clementines and the Extravagants, the Pandects, the Codex and Infortiatum, entitle them to diplomas of LL. D. Two of these assistants, Mr. Gray in the department of natural history and Mr. Holmes in that of manuscripts, were sum-

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moned as witnesses on the late inquiry, and have given evidence which, for its intelligence, candour and good feeling, is creditable alike to themselves and to the institution with which they are connected. Mr. Gray's information may be compared, to his advantage, with that of his official superior; and we acknowledge ourselves indebted to Mr. Holmes for the clear insight which we have gained into the condition and capacity of the department of manuscripts.

Some confusion appears in the style by which the officers are designated. Mr. Panizzi is asked, what situation he fills in the Museum? His answer is, "I was appointed extra-assistant librarian; I am now called additional assistant librarian. It is the same thing."—(1836, no. 4767.) In the official return (1835, p. 370), sir Frederic Madden is called, in the same page, assistant-keeper of manuscripts, and junior assistant librarian; and in the same document Mr. Carlisle is called keeper of printed books, while sir Henry Ellis (no. 336) calls him second under librarian in the department of printed books. Their rate of payment seems somewhat anomalous, and appears to be in some respects independent of rank in the establishment. Mr. Millard, an assistant, had a salary of 300*l.* for a weekly attendance of five days; the Rev. Mr. Horne, also an assistant, receives 360*l.* for six days' service in the week; while Mr. Panizzi, an officer, giving the same attendance as Mr. Horne, receives only 275*l.* We do not, moreover, exactly understand the principle upon which intellectual labour is apportioned. Mr. Horne, an assistant, is engaged in the formation of a classed catalogue, a work of acknowledged difficulty, and requiring the highest attainments; while Mr. Armstrong, an assistant-keeper in the same department, is employed upon labour which we choose only to describe in the words of Mr. Baber.

"The work assigned to him is, entering for general use in the margin of a printed copy of the Geographical Catalogue of the Royal Library, and opposite to the titles of the views, plans, maps, &c. described in that catalogue, the references to the cases and tables in which these prints are contained. It will be two years before this work will be completed."—(1836, p. 537.)

The office of secretary is held by the keeper of the department of manuscripts, a department which, as we have shown, has accumulated a greater body of arrears than any other division of the Museum upon which we have commented, and

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the removal of these imperatively demands the undivided and uninterrupted attention, during many years, of that keeper and his assistants. Even previously to 1827, the duties of the secretary were "heavy," according to the admission of sir Henry Ellis who speaks from the experience of thirteen years; since 1827 the Museum has been in a rapid state of extension, and the secretarial duties must necessarily have increased in proportion. "With respect to the secretary," says his Grace the Archbishop of Canterbury, the principal trustee, "I con-
"ceive that his are not subordinate duties; the duties of the
"secretary are some of the most important in the Museum.
"All our communications at home and abroad are carried on
"through his agency. The duties of the
"secretary, such, for instance, as the preparation of business
"for the board and the writing of letters, are all personal;
"they occupy a great deal of time, and cannot be discharged
"by deputy."—(1836, no. 5531—5538.) Admirable reasons for a separation of the incompatible duties of secretary and keeper of the manuscripts.

Sir Henry Ellis receives a salary of 500*l.* in his capacity of principal librarian. He also holds another office, that of expenditor, which was given to him by the three principal trustees, and from which he derives no salary or emoluments whatever. The duties of these offices the Archbishop happily describes as "multifarious and miscellaneous." Upon the office of principal librarian we have no leisure to comment, but upon the expenditorship a few remarks are necessary. In this capacity he keeps an account of all imprests and expenditures made under the order of the trust; he examines and checks the tradesmen's bills, as well as the bills for purchases of every kind; he certifies that the respective articles in them have been ordered by the proper authority; that the charges are duly made, and the computations accurate. He pays taxes, wages, board wages, the monthly pay of the inferior attendants, and the salaries of persons temporarily employed, such bills under 5*l.* as the trustees direct at their meetings to be paid, and all such sudden demands as cannot wait for a meeting of the committee, as freight and carriage of articles of curiosity, any bills drawn from abroad, &c. &c. He superintends the publication of the Synopsis, and receives the produce of its

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sale through the chief messenger. "Head and hand," says sir Henry (from whose long enumeration of his multifarious and miscellaneous duties we have extracted these particulars), "are with me in continual employ." And yet his Grace the Archbishop of Canterbury and Mr. Forshall, in the true spirit of the motto, "Whatever is, is best," are persuaded that such occupations as we have specified are more peculiarly adapted for the "head and hand" of the chief officer of the British Museum, than of a clerk or an accountant. Would they have held the same doctrine if sir James Mackintosh or Mr. Clinton had been the successful candidate for the principal librarianship?

Having now, step by step, inspected the various grades into which the executive departments of the Museum is divided, and having detected proofs of contradiction, irregularity and confusion in each, we pass to the trustees, from whom emanate the regulations by which the establishment may be said to be governed. The constitution of this body is admirably adapted to throw the power into the hands of a few; and since the foundation of the Museum, its government has been oligarchical or despotic. The latter of these forms has been more generally admired, and such result is likely to occur whenever there arises a trustee more intellectual, more active or more imperious than his colleagues. Lord Colchester's talents and acquirements gained him an undisputed superiority, and his reign may be called the Golden Age of the Museum. His plans, although too energetic to be in every instance free from error, were always distinguished by the marks of a superior mind, and any evil effects which might have resulted from the rapidity of his movements were effectually checked by those whom he directed. To him, chiefly, we believe, the establishment is indebted for the suggested improvements contained in reports drawn up in 1805, 1806 and 1807, the adoption of which would most materially have increased the utility and raised the character of the institution*. Sir Joseph Banks was busy, meddling and troublesome. During the continuance of his

* We are unable to enter into these documents as their importance merits, but we recommend them to the notice of all interested in the welfare of the Museum, the trustees in particular. We make a few extracts from a "list of

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power, which he exercised with caprice rather than severity, the establishment was in a ferment, and the officers in a state of constant fever. But a great public body has a predisposition to inertness, and excitement is better than lethargy. Sir Joseph conferred a greater benefit upon the institution by his death than his life; and yet the joy which the officers manifested in being relieved from his presence was changed into regret when they became acquainted with his successor. Their next master was a miser. All the energies of his mind were directed to one single point, the salvation of sixpences. It mattered not to him whether the question at issue was the outlay of a penny or a pound, the purchase of a box of wafers or Belzoni's sarcophagus. So painful was the most necessary expenditure, so inordinate the desire for retrenchment, however injudicious, that the gratification of his propensity led to the most expensive measures. The classed catalogue of the department of printed books, which had cost 8000*l.*, was suspended, the arrangement already completed was broken up, and the general index to the manuscripts, upon which 3000*l.* had been expended, was declared useless. A system was then introduced, from the effects of which the Museum now labours under many disadvantages, and from which it will not easily recover.

It appears from the Parliamentary returns, that, of the present trustees, the most active are the Archbishop of Canterbury, the Bishop of London, Lord Farnborough and Mr. G. B. Tyndale. Of the first two, we shall only say, and that with all due respect to their rank and character, that the duty which they owe to the Church should occupy the time which they devote to the Museum. Lord Farnborough has now

works fit to be executed, either in discharge of ordinary duties of the house, or as extra services."—(1836, p. 519.)

Manuscript Department.—Completion of Ayscough's printed catalogue of the Sloane and Birch manuscripts, by cataloguing the additional articles, which are about one thousand. A general classed catalogue of the whole collection of manuscripts in the Museum, distinguishing such as are already printed. *N.B.* Such a catalogue, alone, can give a ready knowledge of this colleciton, and if planned in conformity with a classed catalogue of the printed books, would be most convenient and useful.

Printed Books.—A general classed catalogue; the principle, and most approved plans for executing such a work, are stated in detail in the Report, 12th July, 1806.

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attained that period of life, in which the mind is not best qualified for active business, and we conceive that he lends his name and authority, rather than his energies, to the service of the public. It cost us some trouble to ascertain who Mr. G. B. Tyndale is; we have discovered (and we congratulate ourselves upon the success of our investigations) that he is a most respectable attorney, residing in Lincoln's Inn Fields. Being the representative of a family trustee, he appears to be proud of the "blue ribbon of literature," with which he so unexpectedly finds himself decorated, and loses no opportunity of associating himself with their graces and lordships, his co-trustees. Lords Lansdowne and Ashburton attend sometimes, others come very seldom, and many not at all; the power is therefore, to appearance, in the hands of a few, while, in reality, it is vested in the secretary, an irresponsible officer. In the confusion, mis-management and injustice of which we have adduced so many instances, we trace the necessary results of such a system.

Such, we believe, is the present condition of the British Museum—a condition which, when exposed, must be amended. This can be done only by a complete internal re-organization; that nursery economy which reared its infancy is inadequate to support the vigour of its manhood. Its departments must be subdivided; and, while the number of its officers must be increased, the powers, duties and station of each should be clearly defined. The whole scale of its pay should be raised, nor should the chief librarian of our great national establishment be stinted to a salary little exceeding one half of that received by the door keepers of the House of Commons. The principle of promotion from one rank to another should be recognised, and an adequate allowance should be made to the age and infirmities of those who have devoted their younger days to its service. A different line of conduct may be advantageously pursued by the trustees in their intercourse with the officers of the Museum. A system which treats these gentlemen with reserve and hauteur, scruples to place unreserved confidence in their judgment and honesty, and allows the interference of irresponsible advisers, must be at once galling to their feelings and prejudicial to the establishment. Against such a system they will bring forward no special complaint, but the opinion

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which they entertain regarding it can be no secret to the trustees. There is but one way of inducing the officers to act as men of honour—as men having the utility of the Institution truly at heart, and that is, to treat them as such.

Whether the Museum be, in future, governed by trustees or a board of officers, is now comparatively immaterial. Public attention having been directed to its management, and the defects which have been permitted to creep into its administration having been exposed, its governing power, however constituted, must perceive that reform can no longer be delayed. Judging by the "official proceedings adopted by "the trustees of the British Museum, with reference to reso-"lutions of the Select Committee of the House of Commons "on that institution," it might perhaps be said that these trustees are about to venture upon the hazardous experiment of trifling with public opinion. In a few weeks, or at most, a few months, their plans must be matured and developed; we shall watch the result calmly but narrowly, and as long as we notice any attempt to disregard or to thwart the just claims of the people, so long they will find in us a formidable and a fearless antagonist.

Article VIII.

O Stanie Akademii Krakowskiey, &c. &c. (*On the State of the Academy of Cracow.* By J. Soltykowicz, LL.D., Cracow, 1810.)

Novosilcow w Wilnie. (*Novosiltzoff at Wilna, in* 1823-4, Warsaw, 1831.)

Exposé des Motifs relatif à la Discipline Scholaire, Varsovie, 1833.

"It is by bringing up your children properly, by instilling "into them the principles of religion and fidelity to their "sovereign, that you can keep in the right path;" said Nicolas, the reigning Autocrat of Russia, in his celebrated harangue to the deputation of Warsaw, intended to exhibit

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his vindictive spirit to the Polish nation, and to bid defiance to Europe and its civilization. From the moment that these words were pronounced by him, they became the law and the text throughout his vast empire, for the teacher as well as the taught. Woe betide him, whether professor or student, who should dare to diverge from the imperial injunction. Russia is not a country in which the *pro* and *con* of a question is considered, or in which problems are solved: there all is axiom, dogma, belief, faith, absolute and instantaneous obedience. The Czar's will is the intellect of Russia, which carries truth and infallibility along with it; his good pleasure is the rule for each and all; there is no more swerving from it than from the unbending decrees of fate. We request our readers to weigh the very construction of the passage quoted, in order to make an estimate of its logic. Its mode of enunciation is neither negative nor hypothetical, but positive and categorical, such as to impress its full weight upon the very soul of the hearer. The mind is struck by it as by a voice proceeding from a power scarcely human, supernatural—a voice whose substance is neither order nor command, but precept and commandment. Moses, when descending from the mount, did not speak to the Israelites in a tone more authoritative than the present Czar did to the Warsaw deputies, when he added his threat of demolishing the capital of the Polish people by the thunders and lightnings of the St. Alexander citadel.

Europe has had occasion to contemplate the present Autocrat of Russia as a conqueror and as a lawgiver, as an apostle of the Greek Church and as its patriarch, as a kneeling devotee at the shrines of its saints and as drill-sergeant of his Asiatic hordes at the reviews. Some pretend to have seen him in the character of a tender husband and an excellent father. But Europe has not yet beheld him as a moralist and pedagogue; and it is our task to show him up in those capacities, in which he may be said most to excel. No wonder: it has ever been in the nature of despots to make education their hobby, and to be exceedingly fond of taking care of the children of their subjects. Crowned or crownless, on the throne or in exile, they always betray the Dionysian propensity of acting the schoolmaster.

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Of late years it has pleased the emperor Nicolas to direct his particular solicitude to the education of the Polish youth. After the late war, there were many poor and fatherless children: he supposing them to be a burden to their mothers and relations, commanded them to be transported *en masse* under the title of orphans, to the military colonies, where, if on the road they survived the tender care of the Cossacks their nurses, they were destined to constitute seminaries of future recruits for the Russian army. The children of noble and wealthy families whose fathers fell or are pining in exile, received another destination, but not a milder lot. They were brought into the Russian cadet schools,—educated in a foreign tongue and the Greek religion, so as to forget their country, their language, their domestic habits and affections, and fitted in after life to serve in the army for their commissions, perhaps to lead or be led as renegades against their own country.

To make a due estimate of the injury done to the Polish nation and the feelings of mankind by the course of the cruel conduct pursued by Russia, it is proper to show in what state the schools and education were in Poland under the national government, and what has become of both under the *civilizing* sway of Muscovy, as by some writers it has been denominated*. We do not hesitate ascending to a somewhat remote epoch, that the pretended ameliorations under the government of Russia may, by comparison and contrast, appear in more striking light.

Education in Poland, consequent upon the introduction of Christianity, was, as in other countries, entirely in the hands of the clergy. The formation of two distinct authorities, spiritual and temporal, had been effected, balancing and acting beneficially upon each other. The people were taught to conform to the dogmas of the church, and to obey the laws of the country, which engrafted as they were upon the primitive customs of a Sclavonic democracy, naturally gave a brilliant development to the individual character of the Poles. Fatherland and religion were the two watch-words of the Pole; with the hymn to the Virgin he rushed to the battle-field, and

* See *Russia by a Manchester Manufacturer:* and again the masterly refutation, *Russia, in answer to a Manchester Manufacturer:* London, 1837.

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with the name of the Redeemer on his lips, conquered or fell. The Poles were relieved by the Apostolic See from following the crusades in the East; their neighbours the Prussians, the Jazvigues and the Lithuanians were the heathens whom they had to convert. As early as the tenth century Saint Adalbert of Gnesen found the death of a martyr while planting the cross on the shores of the Baltic. And as late as the fifteenth century, king Vladislas Jagello preached it himself to his Lithuanian subjects, of all European nations the longest addicted to idolatry. Within that period, the education of the Poles was two-fold, either for the church or the camp. Besides these, there were no other avocations that led to any distinction; he who did not embrace, or had no right to embrace either, was *ignoble*. The spirit of that ancient education, up to the reign of Casimir the Great, in 1333, was strictly *religious*.

The necessity of giving consolidation to the vast provinces of the kingdom, by means of national institutions, of wise laws and administration, had rendered a different kind of education indispensable. In supplying this deficiency, it could not escape the penetration of a king like Casimir the Great, that an academy to which the natives might resort for instruction, would prove of great avail. Consequently the first foundation of an academy at Cracow was laid by him in 1337, on the model of similar institutions existing in other countries. At that epoch it was the only institution of the kind in the North*. At first it was without the faculty of divinity. It was the policy of the sovereign pontiffs not to be too profuse in granting what at that time was deemed a high privilege, to universities indiscriminately, for fear lest the unity of the church should be destroyed. That privilege was at last bestowed on the Academy in 1397, at the earnest solicitation of Queen Hedvige and Vladislas Jagello Grand Duke of Lithuania, the newly-converted king, her

* The Bohemian University at Prague was erected in 1360, and that of Königsberg in 1525. The foundation of the University of Wilna by King Stephen Bathori, and that of Zamosc by John Zamoyski falls in the latter part of the sixteenth century. Russia, at that epoch a Grand Duchy of Muscovy, had none of these European institutions. The Academy of St. Petersburgh and her eight universities are all of the eighteenth century.

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husband. The ground adduced by them was the want of priests who knew the language of the country sufficiently to preach the new faith, and thus speedily to establish Christendom. At a subsequent period, the same clergy had to combat the spreading heresies, as they were then called, of John Huss, which had been disseminated in the vernacular tongue, and could not of course be refuted except in the same language, the only one understood by the people.

Learning was, at that time, held in great honour; in 1400, on the occasion of confirming the old, and conferring new privileges on the Academy of Cracow, King Vladislas appeared in the hall of the academy in person, surrounded by the highest dignitaries of the state, spiritual and temporal. He first wrote his name in the "Album," and was followed by his brilliant court. An inaugural lecture on law was delivered by Wysz, the then rector, in the presence of the king. The academy obtained the name "Universitas Jagellonica," under which it has come down to the present day, although there scarcely exists a shadow of its former greatness. A complete regeneration of the institution then took place; new chairs were established, numerous bursaries or colleges founded and munificently endowed, in order to afford the poorest youths an opportunity for study. Plebeians graduated as Bachelors, Licentiates, Masters and Doctors, became *nobles* and were seen to rise to the highest offices in church and state.

The celebrity of the Universities at that period was measured chiefly by the number and the renown of able divines, educated in their respective colleges. The Polish ecclesiastics were distinguished for their learning, and on that account were often called on to preside at the general councils of the church, and had places of precedence assigned to them immediately after the theologians of Bologna; Cardinal Hosius presided at the celebrated Council of Trent. Nor did they confine themselves to the study of divinity alone; the classics, philosophy, law, mathematics and medicine were sedulously cultivated, and in each of these branches of study, Cracow can produce many proud and distinguished names—a bright galaxy which shines not only over the horizon of Poland, but over the whole of civilised Europe, marked by the superiority of their intellect, their discoveries, opinions and

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industry. Gregory of Sanok, a polished scholar, had not hesitated to designate scholastic philosophy as the "Somnia "Vigilantium," long before Bacon; he died in 1477. Dlugossus and Cromerus wrote their *Chronicles of Poland*, in the Latin of a Livy; Nicolas Copernicus was a Pole and a pupil of the University of Cracow, and so also was Brudzewski, his instructor in mathematics; Janicki and Casimir Sarbiewski are celebrated for their Latin poetry, and received the laurel crown at Rome; Joannes à Curiis was decorated with the poet's wreath by the hands of the Emperor Maximilian; Jaroslav Skotnicki, John Zamoyski and several others were Rectors of universities in Italy, the most renowned in the middle ages. What chiefly accelerated the progress of learning and civilization, was the vast number of schools founded by the University of Cracow, and called its colonies; the soil around was rich and luxuriant, though it lay fallow, neglected and uncultivated, until these colonies spread around them the civilization of the South of Europe. They shone like so many luminous rays, all emanating from and centering in the Academy of Cracow, called justly, on that account, the *Alma Mater* of Poland and the nurse of her enlightened sons. Within this period falls the golden era of Polish literature, and also that of Poland's political power and glory. It lasted for two centuries, and comprised all the reigns of the Jagellonian dynasty. The Education within that interval was, in the best acceptation of the term, *academical*; its uniformity was derived from one *Alma Mater* and from one religion, which was the Roman Catholic.

But this unity of education was soon weakened by various sectarian doctrines, which had found their way into Poland from adjacent countries; the principal were those of Calvin, Luther and Socinus. The Socinians founded an academy at Rakow, which town, from the number of celebrated and learned men who had fixed their abode in the place, was surnamed the "modern Athens." A conspicuous specimen, not so much of the atticism of its professors, as of their deep theological learning, has come down to us in the ponderous folios entitled *Fratres Polonorum*, the result of their joint labours and meditations. The Calvinists and Lutherans had numerous inferior schools all over the

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country, but no academy of their own; they used to send their youth, especially their candidates for the church, to the Protestant universities. To that end, numerous and rich stipends were fixed at several of those institutions in Germany, Holland and Switzerland, for which the Calvinists were chiefly indebted to the munificence of a powerful Lithuanian, Prince Radzivil, who was of the same persuasion. There is a probability that such Polish stipends existed at the University of Oxford, there being traces in the church history of Poland, of two Protestant Lithuanian youths having studied at that university, and even of a Bible in the Lithuanian language having been printed there. After a neglect of more than a century, two such bursaries for Protestant youths have been discovered in the current year, at the University of Edinburgh; they were founded by Brown of Zamosc. Hence it is manifest that the civilisation of Poland, if it did not precede, at all events kept pace with that of the more enlightened portion of Western Europe.

The minds of the people were obviously prepared for a double movement, political and religious; in politics, by the application of the republican ideas of Greece and Rome to the ancient Sclavonic democracy, an elective system of government had been resuscitated; and in religion, a dissolution of Catholicism effected. Nearly two-thirds of the Polish senate were Protestant Dissenters, and King Sigismund Augustus was publicly accused of entertaining such a leaning himself. But neither Catholicism nor Protestantism was permitted to assume the aspect of virulent intolerance. Elective kings were obliged to swear upon *pacta conventa*, to afford equal protection to all religious creeds, and when King Bathori was asked, which religion, the Protestant or the Catholic, was the best, he wisely replied, "*Deus sibi præservavit ex nihilo "aliquid facere, et conscientiam regere.*"

And what was the result of this enlightened disposition of the Polish kings? One most beneficial; for whilst in other countries the dungeon and the faggot were continually employed in settling religious controversies, in Poland not only were Christians, but Jews also and Mahometans permitted to live at peace with Catholics, and enjoy the full rights of citizenship among them; nay, even as far back as 1573, the

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Polish nobles signed an act, swearing not to suffer any one to be persecuted on account of his religion. During the epoch described, which lasted for a century, education, though it had gained rapidly from abroad, lost much of its intensity at home; it became *sectarian*. The Academy of Cracow ceased to exercise its authority over the Protestant portion of the schools, and education lost its former centralization and unity. There was a great ferment of ideas, but the dispersion of them was too wide to work out the great material good, *viz.*, the consolidation of nationality, so consummately to be desired. The state of education in Poland at that period, much resembled the voluntary system of England at the present moment, whose advantages, whatever they may be, can never counterbalance its manifold defects. The Poles were aware of the circumstance, as the English now are; a concentration of education was consequently considered to be the great *desideratum*.

At all trying periods in the history of nations, some master mind, or perchance some earnest body of men, usually start up, who seem to be destined to save the vessel of the state from perdition, although they have frequently only the interests of their *caste* in view. Such an order of men were the Jesuits in Poland; called by some zealots into the country, they not only succeeded in re-converting the majority of the Protestant Poles to Catholicism, but established such a number of schools as to monopolise the education of the land. In vain the University of Cracow persisted in asserting its exclusive right to secular education; the education continued in their hands and became *monastic*. Persecution of dissenters ensued, which was carried on indeed without bloodshed, and only with the sword of written polemics, yet not without a most rancorous virulence, and a material disadvantage to the internal interests of the country. The Cossacks of the Dnieper, who were of the Greek Church, were thereby estranged from Poland; the Arians and Socinians were expatriated; and a bloody scuffle that took place between the students of the Jesuits and Protestants at Thorn, led to an ominous interference of the Courts of Berlin and Petersburgh with the internal affairs of that country. Anarchy kept pace with intolerance, or in fact sprang from the bias given to the people by a vicious tendency of education.

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Owing to the Conservative principle inherent in the body politic of mankind, an evil that has reached a certain height carries within itself the seeds of dissolution. The Jesuits who by the introduction of a vicious education had planted perversion and religious fanaticism in Europe, caused their own ruin. In concert with Pope Clement XIV., all the Monarchs of Europe agreed upon abolishing the order in their respective dominions, and the thunderbolt of destruction fell upon it also in Poland. The Jesuits, during the exercise of their ecclesiastical influence in the latter country, had amassed enormous riches, and the estates possessed by them were equal to princely territories. In other countries all their confiscated property was employed by the Governments to make up the deficiences of the Exchequer, while in Poland the whole of it was appropriated to the purposes of education; a liberality worthy of an enlightened nation, and of those patriotic men who formed that noble scheme and had influence enough to carry it at the Diet in 1773, in spite of the rapacity manifested by some low-minded individuals. A Commission of Education* was in consequence appointed, composed of the most enlightened and influential men in Poland, for the purpose of remodelling the schools. That commission was invested with the attributes of the highest magistrature of the country, was made trustee of the immense estates and funds for education which were kept separate from the public Exchequer — and was responsible only to the Diet and to the King.

The chief object of the Commission of Education was not to repair abuses, for they were too many, but to effect a radical change in the whole system; to adopt education to the wants and exigencies of the age, and to the progress of civilization in other countries. In order to ensure success to their plan, education was wrested from the Clergy, in whose hands it had

* The members composing the Commission were the following noblemen whose names are worth recording:—Joachim Chreptowicz, Ignace Massalski, Prince Michael Poniatowski, Andreas Zamoyski, Ignace Potocki, Francis Bielinski, and Adam Czartoryski. The latter was the father of Prince Adam Czartoryski, President of the National Government in the late Revolution, and who is known to the English public as an exile from his country. The son had followed his father in that glorious career with equal devotedness and with still greater success, under the most difficult circumstances, as will be seen in the sequel.

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grievously degenerated, and was entrusted to learned lay professors. In default of able natives, foreigners were called in and liberally rewarded. A total re-organization, from the Universities down to village schools, ensued. The establishments were divided into Palatinate schools or Gymnasia, district schools and parish schools, a division calculated to spread the benefits of education amongst all classes alike. An uniform course of study was fixed upon for each of them; and a Committee appointed for writing proper elementary books for each class, and upon all subjects. The re-organization had begun, first of all, with the Universities of Cracow and of Wilna; and the patriots rejoiced at finding in 1777 the new plan of education acted upon in all the inferior schools throughout Poland. To make the plan work uniformly, the inferior schools were subjected to the higher, and in regular gradation all were made dependent upon the two national Universities.

Even seminaries and boarding-schools for young ladies were not exempted from this rule; instruction was imparted according to the same plan and from the same books, and by teachers approved of or recommended by the Universities. To obviate the want of these, a seminary of masters was established at each University, who were instructed in the different branches of science, literature and fine arts, and the more promising of them were sent abroad for instruction at the cost of the Education Fund. By appointing influential visitors to the schools, by public examinations, by prizes and promotions, every encouragement was afforded to learning. Ancient regulations of the University were recalled into existence by which the way to certain dignities and public offices in the country was open only to those who had attained academical degrees, *viz.*, Candidates, Masters and Doctors, and that by which students inscribing their names in the *Album* acquired personal nobility. These distinctions were made easy of attainment by every one, to whatever class of the community or to whatever religious creed he might belong. It mattered not whether the student were rich or poor, noble or of humble birth, Christian or Jew; instruction in Poland was imparted to all gratuitously out of the abundant funds placed at the disposal of the Educational Hierarchy.

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And in consequence, many of the peasantry and of the humble classes of artisans could rise, and have risen to conspicuous, nay even the highest offices in Church and State. Nobility ceased to confer any privilege or distinction at all; preferment was open to talent and ability.

Such was the state of education in Poland, considering it historically, at its different epochs. It is remarkable, that according to the different characters of that education, the political condition of the country varied from good to bad, or *vice versa*; and Poland had its epochs of power and weakness, of glory and degradation, of order and anarchy, accordingly. At the latter epoch, when system and regular instruction prevailed, a tendency was manifest towards the establishment of a more practical form of government. The *Liberum veto* was abolished and the throne declared hereditary. By the Constitution of the 3rd of May 1791, the peasantry were emancipated, and the burghers had their rights enlarged. Further, after the fatal partition took place, the heroic struggle under Kosciuszko to save Poland, the formation of Polish Legions, the daring efforts to restore her, and last but not least, the patriotism undiminished by reverses, hardships and sufferings, which the Poles even now evince, while dispersed throughout the world—what are they but the results of the noble sentiments which have been instilled into their bosoms by a proper direction given to education? What more could have been expected from a Commission directing that education? Perhaps science, literature and arts? Even these had each of them their own extension, as it will be seen hereafter. That the efforts of the Poles have not been crowned with the success and glory which their devotion entitled them to, is not their fault, but the result of circumstances over which they could have no controul. It was an expiation—an Ἄγος, as the old Greeks would have said.

What fault could be found, we ask, with a system of education like that described? None. After the unhappy dismemberment of Poland, while Austria and Prussia were endeavouring to introduce their own Germanic system of pædagogy—Russia had left the *statu quo* of the schools in her portion of the spoil. The only difference introduced was, that the Polish schools, which up to that time were

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dependent on the Commission of Education alone, in Russia had to depend on a Minister of Religion and of Public Instruction and on a Curator of the University of Wilna, who fortunately, was a distinguished Pole, Prince Adam Czartoryski, then Minister for Foreign Affairs of the Empire. Nay, Russia did more than this: unable to alter any thing in the plan, she herself to a great extent adopted it as a model in improving her own educational institutions. Hence the great similarity which is observed to exist between the Russian and Polish Universities may be accounted for: the same centralization and the same dependence of the schools on the University which existed in Poland has also been adopted in Russia. In short, it was an excellent system—recognised by all, who were able to judge, as such—still a *fault* was soon found with it.

Russians, and particularly the old Muscovite party, grew jealous of the rapid progress Poland was making in civilization, and of the Poles filling the first offices in the State with more ability than themselves. It was represented that education in Poland had a revolutionary tendency which must end in the subversion of the Government of the Czars, and that it was such as to sow sedition among the Russians themselves. Plots and conspiracies, some real but most of them factitious, were adduced in proof to awaken the fears and bewilder the timid mind of the Emperor Alexander, and that of his ferocious brother Constantine. M. Novosiltzoff, the present Chancellor of Russia, and at that time Imperial Commissary at Warsaw, a parvenu, was the most active engine of the Muscovite party and at the bottom of all its intrigues*. The first step made by his influence towards vitiating education in the Kingdom of Poland, was the appointment of the bigoted Grabowski to the Ministry of Public Instruction, then vacant by the death of an enlightened patriot, Count Stanislas Potocki, who being Grand Master of the Freemasons of Poland, was accused of free-thinking and atheism. All Lodges were put down, as revolutionary and irreligious. Prince Czartoryski

* M. Novosiltzoff is, or lately was, in this country. As every one decorated with certain titles and orders is sure of a friendly reception in some of our *salons*, we, who know the baseness of this man, shall draw his picture in these pages, for the enlightenment of his noble entertainers, and the people of England.

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in Lithuania was charged with having connived at the young men forming secret associations, if not of having been at the bottom of them himself. Aware of his difficult position, he resigned amidst the universal regret his important office—important for the national education—and M. Novosiltzoff, the arch enemy of the Polish nation, forced himself into that station.

It is remarkable in what manner the transition from the system of a national Polish Education to a Russian one was effected. Its history is fraught with horror, and catastrophes occurred by which the whole of Poland was convulsed. The frightful scene began in the University of Wilna and the schools deperdent upon it; in the kingdom of Poland it was delayed—thanks to its constitution, which, mock constitution as it was, in the present case proved a powerful shield of protection.

The period at which the scheme of Russianizing the Polish schools commenced is the year 1812, when the Emperor Alexander, elated by the successes which the Russians with the aid of the inclemency of their climate, had gained over the French, and from some secret motive of winning popularity with the Russian boyars, chose to play the double game of a liberal abroad and of an insidious despot at home—in the true spirit of the Muscovite character. Flattering professions had been thrown out to the Lithuanian nobles of his intention to reunite their ancient provinces with the constitutional kingdom of Poland; the same hints he had repeated in the Diet at Warsaw—which words, however, meant nothing—his other acts destroyed the agreeable delusion. He boasted of encouraging the Polish nationality according to the letter of the Treaty of Vienna, by which he had obtained the tenure of Poland, while the appearance of a Polish dress, a Cracovian cap or long hair, was sufficient to throw the commander-in-chief of the Polish army, his brother Constantine, into a fit of savage fury.

Alexander had made a display of erecting a Polish university at Warsaw, but at the same time Lancastrian schools were abolished in the country, and the authorities of the University of Wilna, and of its schools, were enjoined to pay more attention than heretofore to teaching the Rus-

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sian language. A chair of Russian history was established, a step hitherto unprecedented at a Polish university, and attendance on its lectures enforced. On the other hand, lectures on the history of Poland were prohibited and the hours of teaching the Polish literature diminished. To root out the Polish language from the Ukraine, the schools of the district of Kioff were detached from the University of Wilna and subjected to the Russian University of Charkoff. Many other aggressions would have taken place but for the influence of the curator, who, as a Pole, took a pride in averting the evil, until, in consequence of his patriotic exertions, he too began to be looked upon as dangerous. All reminiscences of ancient Poland were considered not only superfluous, but criminal.

This glaring contradiction between conduct and promises could not fail to lead to the idea that every thing was done only with the view of gaining time, that Polish nationality might with less danger be trampled upon, and that Lithuania and the rest of Poland might, at length, so merge in Russia as totally to lose their national character. To oppose this deep-laid scheme—deep-laid as are all the diplomatic schemes of Russia—the energies of all noble minds were awakened, and the opposition to it belonged to the sublimest aspirations of the youthful generation. Unable to act openly, associations were, indeed, formed; not with any political view, but merely scientific, moral and philanthropic. Their very names, *viz.* the Philarethes, the Philomates, the Radiantes, the Poets, &c. &c., are indicative of what their object really was. Irreprehensible in themselves (such they would be in this island), they were established with the knowledge and even under the protection of the university, their tendency having been found to correspond with the objects which it was the purpose of academical education to attain. Yet no sooner was an uneasiness betrayed by the government regarding their existence, than they were dissolved. Their original members placed in various avocations in the state or at home, complied without any reluctance with what the necessity of their social situation and prudence itself appeared to dictate to them; and the very facility with which these societies were dissolved and nearly forgotten, proves how innocent they were in themselves.

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What was it then that recalled those associations to remembrance? What plunged so many mothers into agony, and so many innocent youths into misery? An accident—the mere words, "The Constitution of the 3rd of May for "ever!" chalked by a schoolboy, in his playful mood, on one of the forms in his class. Europe will be surprised (and who would not be?) to hear that this boy, then only twelve years of age, was declared for the words he had so written, *guilty of high treason*, that for punishment he had his head shaved and was carried off as a recruit to the Siberian regiments. The Constitution was that by which the Poles had destroyed serfage and established freedom; it was that for which Kosciuszko had bled. But the mother of the youth who had traced these dreaded characters was born a Kosciuszko, and that boy's father was Count Plater, of a family no less distinguished for their patriotism and love of liberty. That he was the offspring of such parents rendered the child tenfold criminal in the eyes of the agents of the government.

This transaction, so cruel in itself, did not end here—it was only the mournful tocsin for other more disastrous scenes. It served as a plea for the assumption that hidden plots and conspiracies extended their ramifications throughout Poland; that schools and universities were the nests in which they were engendered; and that the professors and the prince curator himself were at their head. All asseverations and evidence to the contrary, adduced by those who were most likely, from their position, to know that there was nothing of the kind in existence, proved of no avail; nay, even were rejected with indignation. It now became evident, that for the accomplishment of some deep-laid plan, not the non-existence, but the existence of such associations became necessary. They, of course, were called into existence, and their object asserted to be nothing less than the subversion of the whole system of government in Russia and the destruction of the reigning family. Novosiltzoff had taken upon himself to move the "infernal machine," and that on his own responsibility. Every body was surprised at his temerity—still they could not comprehend it; but he had a *carte blanche* to do whatever he pleased, and so had the agents whom he employed, and these were generally of the lowest order, men who had been con-

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victed as felons and atrocious criminals. We are not saying too much. Of such men was the Commission named, to inquire into the delicate degrees of guilt imputed to the Polish schools against the Russian empire. We say *guilt;* for those individuals who had the misfortune to be suspected were punished without even being brought to the shadow of a trial. Examiner, judge, jury and executioner were all united in the same person. These acts were in need of some degree of sanction, and they received it, in the most unqualified manner, by an imperial ukase. Let us follow these lamentable proceedings in detail.

M. Novosiltzoff's arrival from Warsaw, in the capital of Lithuania, was followed by transports of young men from provinces near and distant, even from abroad. These transports lasted for two months, November and December, during the most inclement season. On the 3rd of December six young men were brought from St. Petersburgh; they were sub-officers of the imperial guards. Consternation seized the public mind at the different violent proceedings practised during these transports, proceedings so violent, that, merely to avoid them, M. Przeciszewski, formerly a Philarethe, committed suicide. Nor was it deemed necessary that even suspicion should attach to those who were accused of disaffection; on the contrary, excellence of acquirements and conduct were assumed as reasons sufficient for suspicion and arrest. The victims were thrown into dungeons, with common felons, and these being filled eight monasteries were converted into prisons. Some of these contained upwards of seventy prisoners in solitary cells. The following is a passage written by an eye-witness:

"These were young men distinguished for high accomplishments and for unimpeachable conduct; students for the most part, but also many adults and men in business. Some had left behind families and relations whom they were maintaining by their own industrious pursuits. They had belonged to associations before they had been prohibited. The ruin of their domestic affairs was most grievous and afflicting. Families were obliged to provide for their subsistence, though even to inquire after them or seek to know where they were incarcerated, was dangerous, and construed into a crime against the state. Mothers, relations and friends looked about with anxiety which way was the safest for supplying them provisions. Before the prison could be known and food conveyed to them, some had for three and four days remained without food and clothing, suffering equally from the want of nourishment and the inclemency of the season,

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and even those who had food and fuel supplied to them, could with difficulty bear the solitude to which they were consigned. Nevertheless, whatever hardship they might have endured for weeks and months of their confinement, a serenity of mind, a calm, which is always the share of the righteous and virtuous, did not even for a moment forsake them. By this fact only it could be accounted for why so few, and these only of a more sensitive temper, were affected in health and spirits. This attitude, at once calm and determined, was, as if by contagion, imparted to the inhabitants of the capital who were doomed to witness these scenes of violence."

The inquiries commenced. On the cross-examination, an admission of one of the accused that they met at stated hours to read poetry, was held to be sufficient evidence of the existence of a dangerous society of poets. Of course, specimens of poetry were soon found which were alleged to bear such a tendency, and required no confirmation for proof. As the wolf reasoned with the lamb, so were the recollections connected with the old associations again brought on the tapis, though their objects were study, support of the poor and the maintenance of good morals among young men on their arrival in the schools. But as study and the practice of charity appeared not to be extinct, associations that promoted them were declared to be likewise dangerous, and all their members were subject to inquiry.

In his zeal to discover such offenders, Novosiltzoff was frequently heard to say that "*for the public good, policy not* "*only permitted but demanded that a hundred innocent* "*individuals should be sacrificed to find out one offender* "*by whom millions might be endangered;*" while, again, to elicit unguarded avowals during the inquiry, he used to repeat the truly Russian proverb "*that where many sin there* "*is no guilt.*" By such words deluding the unwary, he generally succeeded in obtaining the names of those who were the most forward to encourage study, and practise acts of benevolence and charity. Under a despotic government like that of Russia, all expansion of mind and spontaneous performance of any virtuous act, is looked upon with suspicion, from a fear lest by knitting minds and hearts together they become a bond of union against the iniquities of the government itself. Distrust, discord and reciprocal hatred among the people are not only suffered but encouraged, being considered as the safeguard of the stability of despotic rule.

The inquiry, as might have been expected from the men

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employed in the iniquitous conclave, was conducted with every degree of hatred and uncharitableness. To justify in advance any measure of severity they might choose to adopt against the accused, they represented to the emperor that complots of the most malignant nature were in existence, but that owing to their ingenious organization, it was not an easy matter to discover their origin, their leaders and accomplices. They took care to intimate that simple means were ineffectual, and that extraordinary ones ought to be resorted to. Captious questions, false rumours, intimidation and promises of pardon for those who would avow their guilt and name their accomplices, were the expedients employed in the first instance. The difficulty of obtaining any information was evident. The Commissioners felt that they had to deal with young men of intelligence and spirit, whose nobleness repulsed every inquisitorial approach; the villains therefore took advantage of that very nobleness of character to implicate or betray them. They eulogized the excellent qualities and acquirements of their prisoners, pitied them for having committed so grave an offence, feigned abhorrence at the enormity of their crime, and commiserated their parents and friends. They professed to have discovered all the details of the conspiracy. Subversion of the empire, massacre of the imperial family were often repeated by them; these and the like discourses were held openly, even as their triumph, one single word of which, had it been repeated, had it even passed another man's lips, would unavoidably have caused his ruin. This they did before all, and with impunity proclaimed an imaginary crime of which no one guilty was designated by name, nor under the circumstances could possibly have been so. But villainy in this instance had a creative power, it had called crime into existence; let us see in what manner, and admire the truly Russian ingenuity which has not been lost on some other despotic governments, and which is practised now by the secret police on the continent wherever its existence is thought indispensable. It is a real creation of crime.

" In compliance with a secret order of Novosiltzoff, the head-masters of the schools were to watch that defamatory poetry against the imperial family and the authorities of government should not appear; a sort of writing which had hitherto been unheard of and unknown in the schools of Lithuania; and in

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case of its appearance, to report. As might have been expected, it did appear. It was at a provincial school at Kieydany. The object of the lines was the assassination of the Grand Duke Constantine. A committee was instantly on the alert to inquire into the case, and with expressions of the utmost abhorrence that such an attempt should be even contemplated, the examination of the whole school began, and what had been least expected was discovered, *viz.* that the son of the head-master of the school, M. Moleson, was the author of the treasonable verses. It was so indeed; the boy happening to see the secret document which contained the government orders in his father's desk resolved, out of childish contradiction, to write what was prohibited therein. But the officious committee of inquiry found out more than this, for they detected even those who were to perpetrate the deed. The Grand Duke, on his passage through that town, saw the chief of this schoolboy's conspiracy, but his resentment was not to be assuaged. Most of the boys were sentenced to the mines at Nerczynsk for life. By an ukase of the 1st of March 1824 the school of Kieydany was totally abolished and the pupils prohibited admission to any other. The latter condition was extended by the servile officiousness of the local functionaries so far as to prohibit the parents of these youths from teaching them any branch of industry or trade."

Instances of similar scenes occurred simultaneously in other places. At Kowno, pasquinades on the Grand Duke were discovered, and by feeding two students with no other food than salt herrings, to which not a drop of water was allowed to quench their gnawing thirst, the authors were soon found out, at least an avowal was extorted from them that they were the culprits. The salt herring diet has since been systematically employed, and plays a conspicuous part in the inquisitorial courts of the Russians. One of the boys was, in consequence, sent as a recruit to the Siberian ranks, military discipline being thought the most efficacious means of correcting the refractory; the other, being a native of the kingdom of Poland, was several months kept in prison for what was notified to him as "his Polish patriotism."

At Krozc, a society of boys called "the Black Brothers" had been traced: it was deemed the more dangerous as it seemed to recall to mind the dreaded Carbonari. What must be the dread of revolts in Russia, if the unions of schoolboys strike with such terror, as though they were the secret plots of men. The chief of the "Black Brotherhood" was brought to a court-martial, at which General Baron de Rosen presided (the same who now commands a Russian corps against the Circassians) and he and his associates were sentenced to serve as recruits in Siberia. To render their transportation solemn, their

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childish limbs were loaded with chains, and in that state they were conveyed through the streets of the capital, in an open kibitka*. The chief boy, elated above his age and condition, is said to have preserved an undisturbed calm of mind, and to have exhorted his fellow sufferers to do the like, comforting them by saying, "that it is sweet to suffer for the "land of our forefathers." Mournful silence reigned in the streets through which they passed, and their farewell address, rendered occasionally in words or by gestures to the surrounding people, was answered by the tears of all, mingled with the shrieks of their agonised mothers, calling for their children and "refusing to be comforted, because they were "not."

At Poniewiez, placards were found with the word "Consti-"tution," a dreaded spectre in Russia. *Some one must* have been the author of it, and in Russia, *an author* never fails to be found out *when wanted:* in the present case two brothers, Wienckowski, were *fixed* upon, by reason of their bold and manly conduct on all previous occasions, rather than from any other evidence. Persuaded that by avowing their guilt, they would save the school from further embarrassment and would be pardoned, they were induced to confess or rather to take the offence upon themselves. Upon being brought before the court martial, the eldest brother, only eleven years of age, denied that he had any participation in writing the placard, and to convince General de Rosen the president, showed him his body lacerated by merciless flogging. The matter was in consequence referred to the school, to ascertain whether either of the brothers had been flogged; the reply was, that they both had been so for obstinacy, an explanation sufficient in the judicial procedure of Russia, and both were, in consequence, declared guilty. Before the transportation took place, the eldest again lamented that he was innocent; complained not only of flogging, but of the insidiousness of those who had induced him to take the fault of others upon himself; he assured those on whom he could rely, that he knew the author of the placard, but that having experienced such unjust treat-

* A kind of van-waggon, in which the condemned are conveyed to the scenes of their martyrdom.

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ment himself, he would not for any reward in the world reveal his name. An influential Russian functionary was the guardian of his childhood: unable to help him, he used to weep and flatter himself with the hope that he would at last be enabled to approach the Emperor, and speak in favour of the innocence of the boy; his father was likewise a person who enjoyed extensive connections, but what could he do? To insist upon the innocence of one who was made an object of persecution, and who was sentenced for a state crime, was to expose himself to certain ruin without benefiting the victim; any one who had dared to raise his voice in his defence would have been put to the rack to force confession how he came to know the secret, and would have implicated others as accomplices in the same crime; therefore the father was compelled to keep silence, and his unhappy son was transported as a recruit. The very tenderness of his age, the futility of the offence, and the conviction universally prevailing of the child's innocence, attracted an unusual crowd of spectators to witness the pitiful scene of his transportation from Wilna. The formalities observed during the melancholy transaction were rather protracted, for the chains being too large for the feet it was necessary to forge them tighter. In the mean while he loudly complained of injustice done to him, and declared that he was innocent. Bitter maledictions re-echoed on all sides at this most painful parting hour.

One statement more, and we have done with these excruciating scenes of horror, as mournful as incredible. The following scenes were sketched by Mr. Onacewicz, professor of the University of Wilna, a witness and a fellow-sufferer. In his letter to General Rosen on the persecution he had suffered at the hands of Novosiltzoff, he thus expresses himself:—

"From the conduct of Novosiltzoff it appeared that his object was to kindle in the young Polish generation an indelible hatred towards the Russian Government. Most atrocious acts were committed without the least necessity, nor could the motives of many extraordinary measures be accounted for. The inquiries were made with inquisitorial severity, and were veiled in deep secrecy. The sentences were not published, and consequently a general conviction prevailed of the innocence of the children. Persons marked by public opinion, as felons and banditti, were employed in the office of inquiry. At their order, children were torn from the arms of their mothers, from their domestic hearths, from their beds at midnight—were often arrested in the street, in school and in church—were subject to torture previous to their trial. Several tragic scenes

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have in consequence taken place. One of the youth, Marian Piasecki, threw himself from the second floor of his prison, and broke his legs;—another, Tarajewicz, cut his throat;—a mother, Mme. Glasner, lost her senses upon the arrest of her son. The students belonged to different classes of society: the poor, as usual in Russia, had most to suffer; the rich had means of escaping before the storm by bribery. Count Tyszkiewicz paid to Novosiltzoff 4000 ducats for his nephew, Mr. Mackowski 20,000 rubles for his son, and others different sums according to their means."

While this was going on among the students, the professors and other employés of the University were not better off. Superiority of learning, of eloquence, or energy of character, was sufficient to awaken apprehensions of conspiracies, from the simple reason that it could become the means of them. Polish nationality was interpreted to be high treason; virtue itself, which is a combination of moral perfections, was a crime. The Russian Government wanted very different qualities in the governed from those they possessed. This will be seen from the different charges brought against the University. The faculty of medicine was represented to be the focus of freemasonry and materialism. The reading of Homer's Iliad and the study of the law were thought to exalt the minds of the youth, and to form dangerous enthusiasts. These absurd objections caused several most able professors as Bojanus, Frank and Saunders, to resign their chairs in disgust. Professor Groddeck, a celebrated philologist, and the staunchest champion of the rights of the University, retired to a country seat, where he suddenly died, not without suspicion of poison.

The chairs of statistics, law, history and moral philosophy, were the particular objects of Novosiltzoff's rancour. The professors who filled them were all Poles; this was one objection,—*they* were imbued with Polish nationality: some had studied at German Universities; this was another,—*they* were tainted with German liberalism and "Burschenschaft." The first who fell a victim to the system was the professor of statistics, Onacewicz, because, as was alleged, he mixed the history and the statistics of Poland with the statistics of Russia. Similar objections were made to the lectures of the professor of law, Danielowicz, because he frequently quoted the Polish statutes, the ancient law of Lithuania. The learned Lelewel, professor of history, was accused

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of a tendency to Mahometanism, and of having made a new division of history into epochs, unused by other historians. Moral philosophy, the least accessible to the vulgar, was exposed to still stranger objections. Mysticism and materialism, false divisions of the condition of man, and the order of treating the subjects were in turn objected to. The less objects are defined, the more they frighten the ignorant, and such are most of the Russian functionaries. A captain of the police, Hosudar Pertes, was ordered to watch with his lynx-eyes the course of so perplexing and dangerous a science.

Our readers who are probably unacquainted with the characteristics of the Russian functionaries, will find a good specimen of what they are, in the following secret report of M. Pertes to General Governor Korsakow, on the subject of philosophy, and in the scruples of the latter excited by the same.

He reported that in the course of the past semestre Professor Goluchowski had given lectures on anthropology, in which he often directed the attention of his audience to the existence of God and the immortality of the soul; that the lecture room was crowded, yet all was quiet; and that, as he (Pertes) was ignorant of the object the professor was lecturing on and many expressions occurred unintelligible to him, he begged to be freed from attending those lectures any longer.

Upon the receipt of this report, the governor immediately dispatched a letter to the rector of the university, stating that he was informed that a Professor Goluchowski, who had lately arrived from abroad, had commenced teaching philosophy and theology, and demanding what right the university had to admit him *without the knowledge of the police?* He therefore commanded the suspension of that course, and as the lectures were delivered after a method not practised in any other country, he felt it his duty to enjoin that the rector should order Professor Goluchowski to *put them first in writing, and submit them to the Imperial Censure Office*, and to warn him in explaining his subject, to guard against employing any unintelligible terms; under this only condition he would be permitted to re-commence his lectures for the students alone, but that the lecture-room would be closed to the public.

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The rector referred to the statutes and privileges by which the university was governed; he received in answer, that the General Governor need not be reminded of those laws, for he knew them well, but that he insisted that either the rector should take upon himself the whole responsibility of any equivocal expression that might escape in teaching philosophy, or that M. Goluchowski should, as ordered, send his lectures to the Censure Office previous to delivering them.

Of course the learned professor did not submit to this new and strange arrangement, nor could any one have done it, without lowering that ancient seat of learning in the eyes of Europe. In vain the senate appealed to its ancient usages and statutes for protection; some privileges had been granted by emperors of Russia themselves, but they were set at nought. The lectures on philosophy were in consequence suspended, by the mere dictate of the military governor. Opposition, in such cases, might have been taken as rebellion, since any act is apt to be construed into it by Russian ingenuity. What can for instance, be more innocent than reading "a book on baking bread?" Not in Russia; a librarian of the university, M. Kontrym (a man of talent, and on that very account offensive to the government), was observed reading such a book and accused by a secret agent of meditating a revolt of the peasantry of Lithuania against the government; the first step he was making towards it, was teaching them "*how to bake bread, that they might make* "*provisions for war.*"

A document of no small interest is the ukase whereby the mode and the degrees of the punishment were fixed for the associates of the secret societies; it was given at Czarskoe Selo, and signed on the 14th of August 1824 by the emperor's own hand; it sets out with the Jesuitical proposition, that "the punishment awarded is neither commensurate with the "degree of the guilt of the delinquents, nor with the severity "of the law, but with motives of mercy." After stating that the one hundred and eight Philarethes and Philomathes who had been discovered, had been misled by the bad example of their elder colleagues and by the evil spirit of the age, it ordains that the seven months' imprisonment in which they had remained be a sufficient punishment for each of them; that

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they be set at liberty, but that the expenses of the trial be paid by them *in solido*; that however twenty of their number be excepted, *viz.*, those who had been educated to become public teachers, and the prime movers in maturing the dangerous schemes of their society; that these shall not be suffered to remain in the Polish governments, where their object was to spread the *unreasonable nationality of Poland* through the medium of literature, but that they be employed according to their abilities in provinces remote from Poland, and be not allowed to return home until a new decision be published concerning them; that the President of the Philarethes, Zan, be imprisoned in the fortress at Bobruisk for twelve months, and Czeczot and Susin for six months before they are transported; that three of them be sent to the university at Kazan to learn oriental languages, and the rest to the places of their birth, where they shall remain under the surveillance of the police and shall not be admitted to any employment without the express permission of the Grand Duke Constantine. To prevent the recurrence of any future disorders, that the Professors Goluchowski, Lelewel, Bobrowski and Danilowicz be discharged; the two first being natives of the kingdom of Poland, shall be permitted to return; the third being a priest, shall be given over to his superiors, with the order to transfer him away from Wilna; and the fourth shall be allowed to choose his abode wherever he pleases, not within the boundaries of the Polish governments.

A total reform of the system of education was then proposed. In order to effect it, the Curator Prince Czartoryski was superseded by M. Novosiltzoff, and Rector Twardowski by Professor Pelican—the most abject name in the annals of education in Poland. And what were those reforms? Let us look at the regulations which were to bring them about.

I.—As regards the different branches of science.

"1. The law of nature and politics shall henceforth be erased from the list of subjects taught in the gymnasia, and more hours shall be assigned to teaching Greek, Latin and Russian.

"2. The number of hours destined for rhetoric and poetry shall be diminished (No wonder, both were taught in Polish).

"3. The subjects or *themas* for exercises in writing shall not be left to the choice of the teachers, but a collection of them shall be drawn up by the council of the university."

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II.—As regards the police.

" 1. For the purpose of superintending the conduct of students in their classes, at church, in their lodgings and in public generally, the number of beadles shall be four, and they shall be placed under an accredited inspector.

" 2. The names of the students, both in the university and the gymnasium, with their lodgings, shall be communicated to the police of the city" (Formerly the police had nothing to do with the students, the students remained under their own academical jurisdiction).

There are other regulations, by which it is provided that the students shall respect the authorities of the university, and be obedient to any other authorities in the country. That they shall abstain from entering into secret societies. That they shall wear no other dress than that prescribed by the rules of the school, and never leave home without it. That they shall never go to theatres, balls and similar assemblies without the permission in writing, of the rector. That without it they *shall not be permitted to leave town, or take a walk out of its precincts, not even for the purpose of botanical excursion.* And further,

" That they read no books hostile to christianity, *to the existing forms of government*, and *in particular* to that *of the Russian government*; neither ought they to read *others not exactly connected with their lessons, nor keep them at home.*

" That tutors, censors and monitors be elected by the university, and be subject to its authority.

" That *the masters of every school be responsible for each other as regards all secret societies which may be discovered among the students.*

" That rectors and deans be chosen from among persons *devoted to the throne*, accredited by their well-known opinions, and that they *be all of middle age.*

" That local authorities be watchful what books in the Polish and other languages are imported from abroad to Russia, lest among them may be dangerous and prohibited works.

" That the books introduced by Rector Pelican into the schools continue in use; but that the former ones prohibited by him as dangerous, *viz.—The Polish Grammar of Kopczynski, the Rhetoric of Chrzanowski and the like, if copies of them are still extant, be taken away and burnt*, and that the rest of the elementary books be subject to a new and careful revision."

These regulations were signed by an actual Privy Councillor (Novosiltzoff), by a General (Arakczejew), and by an Admiral (Shyshkoff), military men having in Russia, more than in any other country, to do with education.

And what was the result of these new reforms? Individuals of the most worthless character, low intriguers, even felons, obtained places as head-masters and inspectors in the schools, while honest and upright characters were removed or they retired with disgust, scorning to lend their hand for the

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corruption of the youth. To form an idea of the evil arising from the adoption of the new system let us hear the words of the report with which the Rector Pelican addressed the new Curator, his Patron, on the 13th May 1828. "*By my incessant efforts,*" said he, "*I have ultimately succeeded in effecting a total transformation of the youth. If any one amidst them should be found ill disposed, he is immediately denounced and convicted by his own schoolfellows;* and I most earnestly adhere to the instructions your Excellency has favoured me with for this purpose." What those instructions may have been, we easily guess: they were to employ friends and brothers in the capacity of base informers and paid spies. What wonder if, after so short a lapse of time as four years, the whole character of the youth has been altered; that the principal traits in it are distrust, suspicion, taciturnity, timidity and hypocrisy; that their conduct has become disingenuous, creeping and base. In the above report Professor Pelican also observed that "eminent pupils chiefly enter secret associations." By passing thus a sort of censure on the diligent and accomplished, he discouraged the youth from excelling by study. Academical degrees were rendered more difficult to obtain, and within the lapse of five years not one Doctor's degree has been granted in Law and Philosophy. With the year 1824 the Russian system of education began; and it has already ended in the utter destruction of the Polish.

In the kingdom of Poland the ancient organization of universities and schools, introduced by the Commission of Education, had continued to bring forth its good fruits, modified in several instances by Prussian and Austrian systems, but in material points unaltered. While the kingdom was yet a duchy of Warsaw, there had existed a Lyceum at Warsaw combined with a College of Medicine and of Law, and a principal Seminary, besides many other diocesal ones in the provinces, richly endowed, for the instruction of the clergy. In 1818 those dispersed colleges were erected into an university with five faculties, *viz.*: Divinity, Law, Medicine, Philosophy and Literature or Arts. The kingdom having been divided into eight Palatinates, in mockery of the divisions of ancient Poland, each Palatinate had a Gymnasium of six

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classes preparatory to the university, and each district, according to the number of them in each Palatinate, four or more schools of four classes similarly organized to the four inferior classes of the Gymnasia. This was a centralization and uniformity of system. Scarcely any thing better, as we have formerly observed, could have been devised. The schools teemed with students, and the youth after they had completed the course of their studies were admitted to preferments of the state, the academical grades of Fellow and Doctor being the only tests required of them. The Augustan era, or as the Poles call it the "Sigmuntan Golden "era of Literature," appeared to dawn over Poland and to spread its intellectual radiating influence over the less favoured provinces, the duchy of Posen, Galicia and Lithuania.

In spite of the Russian censorship shackling the liberty of the press which had been guaranteed by the Polish constitution; in spite of the spies, secret and open, hired to watch the professors and the students; in spite of the stupid, hypocritical and bigoted ministry of public instruction, learning and liberal ideas could not be checked in their advance. Of the forty professors at the Catholics' university eleven were protestants; even the chair of moral philosophy was filled by a protestant, Dr. Lach Szyrma; and religious prejudices had so little hold over their minds, that even clerical students attended his course of lectures. On that professor's graduation day, as doctor, the degree which was to become his stepping stone to the chair, when a Jesuitical party with the primate at their head attempted to oppose the act taking place, under the pretence of some tendency to *materialism* discovered in his "*Theses*," the faculties of Divinity and of philosophy, composed of catholics, conjointly stepped between and routed the clique of intrusive fanatics by an appeal to the statutes of the university for protection. This was a noble triumph of religious toleration; a rare if not the sole instance in the annals of universities! If such was the system and character of education in Poland, which we would gladly see adopted in the most enlightened countries of Europe, what had Russia, what had that barbarous and scarcely European power, we repeat, to do with it? A power and intellect like

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her's can but destroy; and it indeed did so. Let us observe how it proceeded.

At all times there has been no lack of ambition on the part of the Czars to be adored by their subjects. "The "Czar and God," says Rulhière, "form in the minds of "the Russians but one and the same idea, God and the Czar "grant every good they possess." To difficult questions their reply always is,—"There are but God and the Czar "that know it." The Czar knows what friends speak confidentially with each other, nay what were any one's thoughts when he was alone. They are convinced that it is in the Czar's power to give them life and health, beauty to their wives, even strength to their horses. The reverence they pay him is a positive worship (*culte*). "The Czar "on his throne," says a European priest, Possevin, who had for some time sojourned at his court, "has not only the "majesty of a monarch but that of a Sovereign Pontiff united "in him, and homage shown to him is a real religious rite." Let one generation be educated in that creed and the work is completed. Afterwards the government will have only to uphold that *chef-d'œuvre* of superstition, and every body desirous of knowledge will be looked upon with suspicion, and moral conduct be condemned as the principle of sedition. The will of the master will thenceforth become the only rule to decide between good and evil* ?"—Nicolas who treads in the steps of his Muscovite predecessors, felt it of course incumbent upon him to establish the worship of his own person and of his successors. Here is the celebrated catechism published at Wilna in 1832 by *special order* of the Russian Government, for the use of the Polish schools and churches under Russia. Russians stand in no need of it: there the belief in the Czar already descends by inheritance; it is an established faith. Here is the whole of the blasphemous document for the contemplation of our Divines.

"RUSSIAN CATECHISM.

"1. How is the authority of Emperor to be considered in reference to the spirit of Christianity?—As proceeding immediately from God.

"2. How is this substantiated by the nature of things?—It is by the will of

* *Œuvres Posthumes de Rulhière*, Vol. I., p. 76.

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God that men live in society: hence the various relations which constitute society, which for its more complete security is divided into parts called nations; the government of which is entrusted to a prince, king or emperor; or in other words to a supreme ruler: we see then, that as man exists in conformity to the will of God, society emanates from the same Divine will, and more especially the supreme power and authority of our lord and master the Czar.

" 3. What duties does religion teach us, the humble subjects of his Majesty the Emperor of Russia, to practise towards him?—Worship, obedience, fidelity, the payment of taxes, service, love and prayer, the whole being comprised in the words worship and fidelity.

" 4. Wherein does this worship consist, and how should it be manifested?—By the most unqualified reverence in words, gestures, demeanour, thoughts and actions.

" 5. What kind of obedience do we owe him?—An entire, passive and unbounded obedience in every point of view.

" 6. In what consists the fidelity we owe to the Emperor?—In executing his commands most rigorously, without examination; in performing the duties he requires from us and in doing every thing willingly without murmuring.

" 7. Is it obligatory on us to pay taxes to our gracious Sovereign the Emperor?—It is incumbent on us to pay every tax in compliance with his supreme commands, both as to the amount and when due.

" 8. Is the service of his Majesty the Emperor obligatory on us?—Absolutely so: we should if required, sacrifice ourselves in compliance with his will, both in a civil and military capacity, and in whatever manner he deems expedient.

" 9. What benevolent sentiments and love are due to the Emperor?—We should manifest our good-will and affection, according to our station, in endeavouring to promote the prosperity of our native land, Russia *(not Poland)*, as well as that of the Emperor our father and of his august family.

" 10. Is it incumbent on us to pray for the Emperor and for Russia our country?—Both publicly and privately, beseeching the Almighty to grant the Emperor health, integrity, happiness and security. The same is applicable to the country which constitutes an indivisible part of the Emperor.

" 11. What principles are in opposition to these duties?—Irreverence, disobedience, infidelity, malevolence, treason, mutiny and revolt.

" 12. How are irreverence and infidelity to the Emperor to be considered in reference to God?—As the most heinous sin, the most frightful criminality.

" 13. Does religion then forbid us to rebel and overthrow the government of the Emperor?—We are interdicted from so doing at all times and under any circumstances.

" 14. Independently of the worship we owe the Emperor, are we called upon to respect the public authorities emanating from him?—Yes; because they emanate from him, represent him and act as his substitutes; so that the Emperor is everywhere.

" 15. What motives have we to fulfil the duties above enumerated?—The motives are twofold—some natural, others revealed.

" 16. What are the natural motives?—Besides the motives adduced, there are the following:—The Emperor being the head of the nation and the father of all his subjects, who constitute one and the same country, Russia, is thereby alone worthy of reverence, gratitude and obedience: for both public welfare and individual security depend on submissiveness to his commands.

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"17. What are the supernaturally revealed motives for this worship?—The supernaturally revealed motives are, that the Emperor is the Vice-gerent and Minister of God to execute the Divine commands; and, consequently, disobedience to the Emperor is identified with disobedience to God himself; that God will reward us in the world to come for the worship and obedience we render the Emperor, and punish us severely to all eternity should we disobey and neglect to worship him. Moreover, God commands us to love and obey from the inmost recesses of the heart every authority, and particularly the Emperor, not from worldly considerations but from apprehension of the final judgment.

"18. What books prescribe these duties?—The New and Old Testaments, and particularly the Psalms, Gospels and Apostolic Epistles.

"19. What examples confirm this doctrine?—The example of Jesus Christ himself, who lived and died in allegiance to the Emperor of Rome, and respectfully submitted to the judgment which condemned him to death. We have, moreover, the example of the Apostles, who both loved and respected them; they suffered meekly in dungeons conformably to the will of the Emperors, and did not revolt like malefactors and traitors. We must, therefore, in imitation of these examples, suffer and be silent.

"20. At what period did the custom originate of praying to the Almighty for the prosperity of the Sovereign?—The custom of publicly praying for the Emperors is coeval with the introduction of christianity; which custom is to us the most valuable legacy and splendid gift we have received from past ages.

"Such is the doctrine of the church, confirmed by practice, as to the worship and fidelity due to the omnipotent Emperor of Russia, the Minister and Vice-gerent of God."

Whether this catechism be authentic or not, and there may be found sceptics, does not, in the least invalidate the fact, that the whole system of education is carried on in Poland and Russia upon that principle. The next document is also authentic, and *we vouch for its authenticity*. It was published in 1835 at Warsaw in French and Polish, and appended to the system of discipline for the regulation of schools in Poland, under the signature of the Secretary to the Board of Public Instruction. The motive for that change of system is stated at the very beginning, in these terms:—

"The misconduct of the youth in our time has become so alarming as to make all sensible and well-intentioned people agree, that the government can no less direct sufficient attention on the subject.

"Amidst the numberless errors which false wisdom has employed for the obfuscation of sound reason, and for undermining the social order in its foundation, one has, in particular, gained ground, and appears to flatter the enfeebled minds of our age. The error consists in the idea that children ought to be treated with the greatest indulgence, and that no corporal punishment should be employed to correct them, because it is shameful and degrading. However, we are taught by the experience of ages, that the rod, if used with a paternal hand and with prudence, can alone keep the children in salutary fear

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—guard them against pernicious impressions, and stifle in their hearts the live propensities which in the bosom of an infant struggle from its cradle to burst forth. This principle of evil manifests itself under different forms of stubbornness and licence. Fostered by indulgence it gets the start of maturity of years, and brings forth premature and bitter fruits, such as presumption, insolence and pride. It is wrong to look with indifference upon that vivacity through which a child at that age of innocence creates so much delight, but which for all that, is but a bad seed containing a source of passions of the most pernicious sort, not unlike the nettle, whose vernal sprout hides under its fresh and tender form that burning substance which in progress of time grows upon the same stalk."

In confirmation of the malignant propensities inherent in children, the Russian pedagogue, or rather the council of pedagogues at Warsaw, quotes a passage from *Le Constitutionel*, April 1834, containing a description of the depraved class of children at Paris, called the "gamins," and of whom, in one of the previous numbers of this Review, we have also given a sombre portraiture*. In the eyes of that egregious council, all the children of Europe, and particularly those of the great towns, appear to be little better than the gamins—"a militia, blind and ungovernable, seized with the spirit of "turbulence, as though with a sort of vertigo, and at a mo-"ment's call ready to join, nay, to raise the standard of "revolt." The towns of Russia alone, as he expressly maintains, are free from that plague.

Were the pupils of the École Polytechnique at Paris, and the pupils of the Polish Universities,—the former in the glorious days of July, and the latter on the 29th November in 1830—the associates of *gamins*? Our Russian would gladly confound them with that class of wretches. When such comparisons are made and such inferences drawn; when acts of criminal habit and wretchedness are mixed up with those of exalted love of freedom and pure patriotism, what sound judgment can be expected respecting the sources of evil in education, or the means of preventing that evil? In what light but the following could the participation of the Polish schools in the late struggle for independence be viewed by them?

"And what was the conduct of the Polish schools in the recent revolt? Were they not the foremost to throng to the rebels? Did they not commit all sorts of dis-

* *The British and Foreign Review*, Vol. II. p. 105.—Moral Statistics and Prisons of Paris.

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orders at that time of confusion and anarchy* ? Is it not in the schools that even now that indomitable spirit of licentiousness and insubordination is prevalent? Were there not but lately wretches found among the students who had gone to render homage to the gallows, and to offer a tribute of veneration to the corpses of the state-criminals who were hung upon it?"

Surprised at seeing children facing dangers with the courage of grown-up men, and panic-struck at the consequences that might yet arise from such patriotic ardour, the Russian pedagogue exclaims in a fainting voice of sensibility; "How "is it possible to designate with the name of virtue that lack "of reflection, or that childish inability to estimate the "extent of peril? What mother,—if she had not altogether "stifled the voice of nature in her bosom, and if the fire of "political aberration had not consumed her maternal bowels,— "would not shudder, horror-struck at the perils to which her "child is exposed?" Now the Polish parents having been accused of "neglecting to give proper education to their "children," even of being their corrupters, what does the government in its wisdom resolve upon, by way of rescuing them from the fatal consequences of this neglect? Pursuant to an ukase it sweeps off transports of Polish children (gamins) into the interior of Russia; it orders children to be flogged in public places for reading Polish poetry; it surrenders Polish daughters to the brutality of its soldiery, for singing patriotic songs†; and drives fathers to infanticide and suicide

* No! The first day after the outbreak of the revolution at Warsaw, the pupils of the Polish universities and schools formed a separate armed corps of their own, "The Honorary Guard," under the command of one of their professors, and were instrumental in repressing disorder among the populace, in disarming it, and in protecting the lives and the property of the citizens, *even of the Russians.* They were the first to support an established power in the country, the "dictatorship," and to put down the "clubs" and all engines of turbulence. —*British and Foreign Review*, Vol. III. p. 70.—The Polish War of Independence.

† Three young ladies whose parents lived in the country, had been placed in a principal boarding school of the capital. In a leisure hour when walking in the garden, they had sung some patriotic stanzas of a well-known Polish air; a spy, who chanced to pass by, overheard the song and made a report of the occurrence to the police. Immediately gens-d'armes were sent with an order to bring the unfortunate girls to the hotel of the municipality where, after flogging, they were surrendered to the brutality of the gens-d'armes. The director who gave that order was Storozenko, a Russian general who has lately received an estate from the Emperor Nicolas, in reward of his services, among which this probably was one.

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to save their offspring from shame*. The government makes sport of the most tender and most sacred family affections†.

Under the name of education, horrors have been perpetrated in Poland; and the Emperor Nicolas scruples not himself to play with the credulity of Europe, in order to cover the inhuman proceedings authorised by him‡. But

* M. Kurpinski, brother of the celebrated Polish composer of music at Warsaw, was father of four children, one of whom, a daughter, had been placed at the Dramatic School. She had the misfortune to attract by her beauty the attention of the director of the Theatre, the Russian General Rautenstrauch, but the general was unsuccessful. By a base revenge he deprived her father of an employment in the musical conservatory which he had held for many years. The unfortunate father foreseeing nothing but misery for himself and for his children, one day invited them all to take a walk with him along the banks of the Vistula. Arrived at a steep solitary place, he threw them all at once into the river, and precipitated himself after them. Only one of the children was saved, the rest, with father and daughter, perished in the waves.

† A gentleman of the palatinate of Kalish, who, in consequence of the late revolution, had been imprisoned for a twelvemonth or longer at Warsaw, had obtained permission to visit his brother, an influential functionary, once more before his departure for Siberia. Escorted to his brother's house, he unhappily did not find him at home—he found only his children. On seeing his little nieces, in the expansion of his heart he approached the eldest to kiss her on the forehead. The child not recognising her uncle, for he was emaciated by long suffering, and his beard was grown shaggy and long, pushed him back with a shriek, "Away, thou Muscovite!" The Russian officer who had accompanied him (mark what Russian officers are!) reported what he had heard and seen to his superiors. The parents were summoned before Field-marshal Paskewitch. The father was discharged his office and imprisoned, because, as the governor said, he had educated his children in hatred towards Russia; the distracted mother, from some recollection she had of the generosity of a tyrant in the East, on a similar occasion, endeavoured to exculpate the child by stating that she was a lunatic, and that just then she had been in one of her fits. The excuse was not lost on the magnanimity of the viceroy of Warsaw. He ordered the poor child to be carried to the Lunatic Asylum, to have her head shaved, and cold water to be poured over it.

‡ What reliance can be placed on the veracity of a government when the emperor himself can stoop to make a theatrical display of a lie? In the *Times* of the 10th of August 1833, the public will remember to have read a letter from St. Petersburgh, dated 31st July, in which a splendid entertainment was most minutely described, which the emperor had given to the pupils of the Military Schools at Peterhoff, and at which the whole of the Imperial family, Prince Albert of Prussia, the Ambassador of Austria and a great number of persons of all ranks were present. What scene does the emperor go through before these distinguished persons, and the military pupils? After dinner he presented to his consort the Polish "orphans," educated at his expense, and among them a young Sowinski, whose father met his death in the great fortification of Wola, as the enemy of Russia. After stating this, the Russian correspondent added,

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here let us confine ourselves to the exposure of the new system.

After a long preface the development of the system begins with the following sophistical argument. Professors and masters read and judge of it; English youth observe to what degradation your fellow students and contemporaries are doomed; English parents congratulate yourselves upon the wisdom of your constitution, by which the disasters of an education like the Russian, have for ever been averted from your children!

"In the firm conviction that the establishment of order and subordination is indispensable in the schools, it is necessary, without any delay to devise proper measures to attain that great end.

"It is of importance that the power directing the schools be analogous to the parental authority, and that it assume as little as possible the forms of the police direction, so that the pupils on passing under the tutorship of their instructors, may find in them the same paternal authority which in the persons of their masters should differ only in the attributes and external forms.

"Considering the evil consequences which arise from the indulgence and weakness of parents towards their children at home, the first duty required from the pupils ought to be unlimited obedience, that none of them may claim the right of weighing the actions of their superiors and instructors either by approving or blaming the same, and still less commit an act of insubordination, upon the plea of injustice done to them. This is quite at variance with the relations that ought to exist between pupil and master, as nothing of the kind can be consistent with the duties of children towards their parents.

"Obliged to admit that by the means of an energetic discipline alone order can be maintained in educational establishments, it matters much that discipline be no empty word, existing only nominally in the scholastic code. It is useless

"From such a despot and tyrant as Nicolas, nothing more can be reasonably required than that he should declare himself the adopted father of the orphans of his most inveterate adversaries, and reply to insults and abuse by actions of this description." This sounds beautifully indeed, and yet it is a farce—one of those which Russia frequently plays before Europe. The gallant General Sowinski and his consort, more fortunate than other Polish parents, *had no offspring, either male or female*, to afford the czar an opportunity of extending his paternal tutelage over them. His imperial generosity had been better bestowed on Madame Sowinska, where it had been less misplaced; but no—that lady, on the pretence of some intercepted letter written to her by her exiled relations from abroad, is kept locked up in a convent at Lomza—deprived of all comforts requisite for her age and station; all access is barred to her, and even the attempt to ameliorate her wretched condition is looked upon *as guilt*. Convents in Poland have been employed for the education of Polish daughters, or as a sacred refuge in misfortune; now for the first time they are turned into dungeons for Polish matrons, in punishment for the exercise of the patriotic virtues which are an ornament to their sex.

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to exact from the inspectors or professors that they shall be strict and severe, if they have not sufficient power to execute their obligation properly. Moreover, it must be avowed as certain, that any person entrusted with the education of youth in schools who is against the necessity of using corporal punishment, renders his intentions objects of suspicion, or at least betrays his want of experience as a teacher.

"Now experience has shown that in the ancient statute a great deficiency prevailed as regards school discipline, especially in the provinces in which recent revolt had created the most pernicious agitation of mind, and that the mode of discipline hitherto employed did not answer any purpose from the insignificancy of punishment inflicted, from the cognizance the public had of the limits within which it was restrained, and by the slowness with which it was executed.

"Among the means of correction prescribed by the paragraph 167, corporal punishment was, indeed, admitted in the four inferior classes of the gymnasia, but an authorisation of the respective councils was necessary before its infliction. Now, it is proved by long experience how much punishment loses of power by the slowness with which it is administered. Wherefore, admitting that the choice of the inspectors is made with prudence, that sort of punishment ought to be equally confided to their authority, to the end that in the case of any pupil deserving corporal punishment, the inspector be empowered, upon the mere complaint of the master, to decide the case and punish the delinquent.

"Agreeably to the tenor of the same article 167, the pupil of a superior class who deserves corporal punishment, in lieu of being subject to it is only expelled from the school. That measure is very inconvenient. Delinquencies which are committed by the youth of our days arise in the greatest part, from stubbornness and disobedience; and as it may be said with certainty, that the commandment enjoining the obedience of children to their parents is altogether forgotten, the consequence of expelling students from the colleges, where the authorities did not know what measures they were to take with regard to them, was only to fill the country with persons sworn to perdition.

"It is therefore, absolutely necessary, that the pupils of the four superior classes of the gymnasia be considered as not of age, and that far from being exempt from corporal punishment, they should be subject to a still severer amount of it, it being argued that it is their duty to be more reasonable. As regards the expulsion of a pupil from school, it must not be resorted to but in the last extremity, after all means of correction have been exhausted in his person. But even in this case expulsion ought not to take place, till after the pupil has, in the presence of all the rest, suffered an exemplary flogging; for otherwise that measure, far from becoming a punishment to a *mauvais sujet* or a sluggard, would only redound on his parents and his masters.

"Finally, it is notorious that the *fear of punishment has the power to act more efficaciously on the minds of youth than the punishment itself, provided the reality of it is not doubtful, and that beside the conviction that all misconduct must meet with punishment, the scholar may not foresee either the quality or the degree of it. Persuaded that the infliction of it depends solely upon the will of his superiors, he must look upon the fate that awaits him with the most frightful anticipation.*"

We find the directors, the inspectors and the professors,

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invested with greater power; but what joy will they reap from its exercise? Let us see.

" The authorities of the schools being provided with every means they need to keep the students within the limits of obedience, shall henceforth be responsible for any infringement of discipline; and if in future any pupil of any of the colleges or schools should venture to disturb public order, or to transgress against subordination—and if he had instantly punished, that crime would not have taken place—in that case, the authorities of the school shall themselves be subject to a rigorous responsibility. In conclusion, be it distinctly understood, that directors, inspectors and professors, whose conduct should prove to be such as not to answer the confidence and the views of the government, which is so desirous of putting an end to the spirit of licentiousness and insubordination with which the colleges and schools in the kingdom of Poland are infected, shall without delay be dismissed from their functions."

Now follows the specification and the degrees of punishment, which is nicely apportioned, according to the culpability of the student, his age, his conduct and the education he has received; it is a strange code indeed; it is as follows:—

" 1. Cautioning and admonition.
" 2. Standing in the middle of the class.
" 3. Kneeling.
" 4. Displacing from the higher seat.
" 5. Removal to a bench of shame.
" 6. Entering a memorandum of the reprimand in the school-book.
" 7. An hour's arrest.
" 8. Arrest on bread and water, between the morning lessons and the afternoon lessons.
" 9. Corporal punishment in secret and out of school.
" 10. Longer arrest, not exceeding however twenty-four hours.
" 11. Entering the name of the pupil in the " Black Book."
" 12. Corporal punishment in the presence of the pupils of the whole class.
" 13. Inscription of the name of the pupil on the " Black Board" exposed in the vestibule of the school.
" 14. Corporal punishment in the presence of the pupils of all classes of the respective division.
" 15. Degrading from a superior to an inferior class, or from a superior division to an inferior, with or without infliction of corporal punishment, as the case may require.
" 16. Expulsion from the one school or from all schools, but in no case without severe corporal punishment previously administered in the presence of all classes; for without that punishment, the expulsion of the lazy and the refractory would be no punishment at all."

The remarks annexed are equally worth noticing.

" In order that the manner of corporal punishment may not be arbitrary and hurtful to the health, it is cautioned that the sole instruments which are permitted to be made use of, are birchen rods, fresh or dipped in water, the ends not cut off;

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in the place of their ligature, one inch in diameter! a yard and a quarter or a yard and a half long* ! ! The strokes to be inflicted on nudity.

" The degrees of arrest are as follows: seclusion of the culprit in a solitary place, without any comfortable furniture; in grave cases, arrest shall be combined with privation of food.

" The exhibition of the name of the pupil on the black board in the vestibule, cannot last less than twenty-four hours, or more than six days; for if in that space of time, *designed to humiliate him*, the pupil does not better himself, a more severe punishment must be inflicted on him.

" The degradation from a superior to an inferior class can in case of need last twelve months, and thereby deprive the pupil of one year's attendance at the courses.

" Howsoever the approportioning of the punishment may in part depend upon the prudence of the instructors, they however are warned that all offences against religion, good morals and especially want of respect and obedience towards superiors, ought to be punished with more severity than any other delinquency.

" The pernicious consequences arising from want of discipline ought to have convinced every head-master of the schools how much reason he has for being on his guard against allowing himself to be misled by too great indulgence, and especially in cases of delinquency which may lead to insubordination and disorder in the schools."

The rules to be observed by the scholars are most minutely specified, *e. g.*

" The pupils are to come to school decently dressed. Their clothes, howsoever worn out, ought to be brushed well. Their hands and faces cleanly washed;—the hair and the nails properly cut. It is prohibited to wear moustacheos. On the way to school and returning home, none shall without necessity stop in the street; neither run in the streets when dark in the evening. They never shall pass the gates of the town unless accompanied by a person of confidence. They shall be civil to every body without exception, and especially to persons of distinction, ecclesiastical, military and civil, whom they shall salute by doffing their hats wherever they may encounter them†. Taverns, billiards confectioners' shops and public balls are interdicted under all pretext whatever, no less also the use of strong spirits, smoking and taking snuff. It is not

* Bundles of these birchen rods had been sent round to all the schools as " patterns," with the seal of the Board of Education appended to each pattern; ninety-four cases are counted in which children *must* be flogged; the minimum is twenty-five, the maximum one hundred lashes. This is called in Poland, " the tariff of Polish blood."

† The Russian Government does not confine itself in teaching politeness to school-boys, but also to all classes out of school. Here is an instance of its care in polishing the Warsawians in the year 1835.

" To General Kossecki, Director of the Commission of Justice.

" I have often remarked that the civil *employés* of different public departments do not show any reverence to the Russian generals when passing in the streets; and also refuse to pay due respect to the royal lieutenant, thereby setting the worst example to the rest of the inhabitants who have always been in the habit of disregarding their superiors. In order to prevent the unpleasant consequences

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permitted to sell things, or to buy or barter them; and to make any collection of money for any purpose whatever, where the object of it is even the most praiseworthy. All assemblages and associations under whatever pretext, among the students or with strangers, are most strictly interdicted."

Upon so barbarous and inhuman a plan is based the education in the schools of the mock kingdom of Poland. There is no University for four millions of inhabitants, that at Warsaw having been abolished after the late Polish revolution simultaneously with the ancient University of Wilna, which existed for eight millions of Polish inhabitants under Muscovy. At present Polish parents who may be desirous of giving an academical education to their children are obliged to send them to Russian establishments. Not only foreign universities but those of Cracow and Lemberg are prohibited, and no passports are granted for travelling abroad. But even in these miserable establishments, wretched both as regards the pedagogical rule and the objects taught in them, according to the new system education is rather repressed than encouraged. The higher schools which came in lieu of the gymnasia with six classes, have now eight classes, of which only the inferior four are open to plebeians; the higher four are confined to nobles, a distinction which never existed in the Polish schools. Fifty florins are annually paid for each child in the inferior four classes, and two hundred in the higher. The Russian language is made the chief object of study, and masters are sent from the interior of Russia to instruct in it. The student's insufficiency of progress in that hated idiom prevents his promotion to a higher class. It is taught also at ladies' seminaries, and especially the daughters of distinguished Polish nobles and patriots, as if to mock their feelings, are compelled to learn it. The daughter of the patriotic nobleman Bninski was expressly desired to recite by heart Russian poetry before Field-marshal Paskewitz, at a boarding school. Their Russian teachers are accustomed to address the students in the harshest and most insulting language, styling them

that may arise to them from their conduct, I feel it to be my duty to let you know this, and humbly to pray that you would command all the employés in your office to observe all the rules of subordination, and to show due reverence to His Highness the Prince Lieutenant of His Imperial Majesty.

" (Signed) Aid-de-Camp General

" PANKRATIEFF."

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"rebels," "traitors," but take care not to reprimand them as "Poles" (Palaki), from fear of awakening in them ancient recollections which they are anxious to obliterate.

This is the genuine and pure Russian system planted of late upon the Polish soil. But there is a mixed Russo-Austrio-Prussian system in the territory of Cracow. Had we space enough we would analyse the organic statute of the once so celebrated university of that free town, as it was framed by the three residents of the three protecting courts. To show how monstrous that tripartite system is, suffice it here to say, that after the Polish war the Jagellonian University had lost eight of its professors by expulsion; and that in consequence of the reforms introduced, it is obliged in the faculty of philosophy and of medicine to resort for professors and for books to Austria; in law, to Prussia; and in divinity, to Russia. Mark! Russia, with her Greek religion, is to decide upon the chairs of Catholic theology at Cracow! She has already expelled one Catholic bishop who opposed her schismatic propensities from his diocese, and even from that *neutral* and *free* territory.

How fallen is that institution from what it formerly was, when a single "Jerusalem bursary," founded by Zbigniev Olesnicki, lodged and boarded one hundred students; and where beside the bursaries for the natives, there existed others for the Germans, the Hungarians and the Swedes. The inferior schools alone counted in the Jagellonian æra three thousand scholars annually.—The number of students at the university of Cracow *now* does not exceed one hundred and fifty.

We abstain from further remarks upon this subject. Our readers will now be able to judge for themselves. We have laid before them facts and authentic documents as little known to Europe as their contents were certainly unexpected. As to the system described, we ask any of our divines, scholars and philanthropists, whether any one could be devised better calculated than that now introduced into Poland, to root out all human feelings and all noble aspirations, and to train up the young generation for the most abject slavery. We have therefore to close, only reiterating with M. Rulhière:—"Qu'une seule génération soit élevée dans cette

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" croyance, l'ouvrage est consommé. C'est ensuite à l'autorité " à maintenir ce chef-d'œuvre de la superstition, à regarder " comme suspect tout homme, qui veut s'instruire, tout " règle de morale comme un principe séditieux. La volonté " du maître devient la seule règle du bien et du mal."

Article IX.

Choix de Rapports, Opinions, et Discours, prononcés à la Tribune Nationale, depuis 1789. 16 vols.: Paris. 1818.

The French Revolution has been described to very triteness, as a fearful explosion of the social system. But if this moral volcano spread terror and devastation for its hour, it threw up a substance capable of being greatly useful, as it ever will be curious to mankind. The work of which we have prefixed the title, has been long published, but its interest and value depend not upon novelty ; it brings together more perhaps than is worth preserving, of the revolutionary eloquence and measures of the national assemblies of France, previously dispersed through the fatiguing tomes of the Moniteur, or buried with the forgotten pamphlets of the day, or inaccessible among the MS. papers of the dead and living. It thus renders the most important service to the student of that memorable epoch; it is valuable, not only as exhibiting eloquence, the most commanding of the liberal arts, called forth on a great occasion, to its highest pitch; at once the organ and the arbitress of all the interests, and all the passions of men; but as a historic gallery, in which the most important incidents, the most remarkable opinions, the most conspicuous personages, whether for their talents, their virtues, their sufferings, or their crimes, are exposed to view. Again the chief actors on the scene are pourtrayed with unintentional fidelity by themselves The French Revolution was the great armoury from which weapons were borrowed, in the discussion of our Reform Bill, by its champions and adversaries; it will doubtless supply both sides, in the approaching parliamentary contests, upon questions not less important than the Reform Bill itself,—as the Church and the Peerage, which cannot fail to be assimilated, or opposed to the established church and

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feudal nobility of France in the revolution; and from its possessing this peculiar interest at the present crisis, we place before our readers some of its most marked features.

The French Revolution in its career, and even in its origin, may be referred no less to persons than to general causes and abstract principles. Louis XVI. was himself one great cause of that revolution; he should have been for his time, and for his safety, a better, or a worse man; he found at his accession the government and the nation in the most perilous of all relations to each other; the one losing, the other gaining immensely in force; public opinion, escaped from bondage in the corrupt and feeble reign of his predecessor, had now outgrown its shackles; the abuses of the court, the nobles and the clergy, were so familiar to the public, as to become the burthen of popular ballads*. A capable ministry and firm prince, might perhaps have saved the throne, and even the church, by the compromise of a great national reform; but Louis had no force, no character, in his faculties, his virtues, or his vices; devotion was his strongest sentiment, but a devotion grovelling and priest-ridden, consisting rather in ceremonial observances, and the fear of excommunication, than in the reverence of God, and the hope of immortality; "il était impossible de n'être "avec cela un pauvre roi," says Madame Roland, speaking of his terror of priests and purgatory. The habit of dissembling, a main part of his education for the throne, and congenial to his narrow mind, shut him out from all personal confidence and frank communion, yet was he ever governed by court intriguers and his queen, from his fatal weakness or

* The following was sung in the streets of Paris, in 1788:

Les grands ne voulont rien payer,
Parce qu'y zont ruiné la France,
Faut ben suer et nous r'layer,
Pour engraisser leur excellence,—
Pour eux j'faisons v'nir le pain,
Et pour nous y font v'nir la faim.

Nosseigneurs les calotins
Aux curés laissont le sarvice;
Ce n'est que chez leux catins
Que ces biaux prelats font l'office,
J'nosons trouver ça mauvais,
D'peur d'être damnés à jamais.

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nullity of character. At one moment he arrogated despotic authority in the despotic tone of Louis XIV., at the next, he abandoned himself, with blind imbecility, to the current or torrent of the revolution.

A few months before the meeting of the States-General, Lamoignon, his Chancellor, or Keeper of the Seals, pronounced, in his name, the following phrases:—"to the king "alone belongs the sovereign power in his kingdom;"—"he "is responsible to God alone for the exercise of the supreme "power;"—"the legislative power rests in the person of "the sovereign, independently and exclusively." To support these pretensions to naked tyranny, he abandoned himself to the advice of his confessor, and the administrative talents of court bishops, court intriguers, and the once famous, but now forgotten Necker.

Of the ministers who thus succeeded or supplanted each other, but three deserve mention, the Archbishop of Toulouse, Calonne, and Necker. The weak and unhappy prelate, soon convinced of his utter insufficiency, resigned his office of first minister, retired to Rome, and was made a cardinal. The effects of his administration are shown with graphic and terrible truth, in two incidents; an engraving was exhibited at Paris, representing France under the form of a woman, into whose bosom a monk had just plunged a poignard, and the blood which flowed from the wound, formed for him a cardinal's hat; and in the Place Dauphine, the mob burned a figure, decorated with distinctive marks of episcopacy. Calonne, a dexterous courtier, not without administrative talents, but wanting system, study and application, a man of wit and pleasure, without discretion or principle, holding the key of the treasury, and ever "the obedient servant of the "sex," was not the minister, at such a crisis, to save a monarchy.

Necker was a popular idol for his hour, but when was this the test of real greatness? No two qualifications are more distinct than those of a banker and a minister of finance; they are as remote from each other as those of a treasury clerk and a chancellor of the exchequer. In France, the former were confounded with results the most unfortunate. It was remarked of Necker that he was a striking proof of the

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maxim that no man rises suddenly from a sphere of inferior usefulness to a superior station, without retaining and betraying his original envelope. Necker had, moreover, one of those extravagant reputations which suggest to men of sense, who have observed mankind, the suspicion of charlatanry. He was called a Republican, first because he was a Swiss, next, because he was uncouth in his person and manners; but he gave no signs of republicanism in the drawing rooms of Paris, or at court, or even in his writings. The truth is, that the citizen of a simple commonwealth, admitted to the coteries of a gaudy monarchy and aristocracy, is the first to sneer at democracy and disdain the people. Instances will probably suggest themselves to such of our readers as recollect party aggregations, literary and political, in London, some few years back. Necker took a false view of his position and his faculties as a minister; his vanity was buoyed up by the devotion of men of letters to his wealth and hospitality, which he took for homage to his genius, and by the shouts of the giddy populace, which never thinks. He vainly aspired to govern the court and the states general without gaining the confidence of either; the court eluded or repelled him, the assembled states constituted an engine of force and compass beyond his grasp. He proposed financial reforms, when the court still clung to prodigal abuses; he proposed the British constitution, when the court disdained the limited authority of the King of England, and the third estate was already bent upon a single elective legistative body, and strictly limited executive functions vested in the king.

It was the misfortune of Louis XVI., his court, and his council, that they never conceded until it was too late. The English constitution, with two deliberative bodies (Lords and Commons), if conceded in 1788, would have delighted the mass of the French nation; in 1789, the clergy and the nobles were become odious, and the third estate, that is the Commons, voted themselves "the National Assembly," that is, the sole deliberative body, with which the representatives of the two other estates were invited to unite and incorporate themselves. The clergy and nobles thus sitting and voting with the third estate or commons, would be overwhelmed by the superior force, numerical and moral, of the latter. They

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saw the result—and the design—their being swamped—they resisted, and induced the king to resist; a collision followed, and the revolution made a giant stride in advance.

It is astonishing to what degree of infatuation those who surrounded Louis in that tremendous crisis, rested the strength and safety of the throne upon court forms and frivolous etiquette. How ridiculous the expectation that the Commons, flushed with popularity and the consciousness of their strength, would be dispersed by the presence and authority of a court bauble, called a Master of the Ceremonies! The Count d'Artois (Charles X.) thought to prevent the famous meeting in the Tennis Court, by sending the proprietor orders to hold it ready for him to play tennis next day; the proprietor replied simply that it was previously engaged. Again, pending the disputes between the clergy and nobles on the one side, and the third estate on the other, the king directed a conference by deputation at the hotel of the keeper of the seals. The minister opened both folding doors to the former, and only one to admit the latter. A deputy of the Commons asked his lordship why he had not made the third estate pass through the keyhole? This piece of unseasonable etiquette defeated the purpose of the conference, and sent away the parties more incensed than before.

What a state that of the unhappy king with a court and ministry so frivolous, presumptuous, and incapable! France seems to have been at this period effete for the birth of statesmen, or to have produced only a stunted race of placemen and intriguers. An Englishman happened to be a guest at the house of the Duchess de Polignac, who asked him, at table, the following question, "Have "you seen the States-General, my lord? Have you entered "the Three Chambers? What do you think of them?" The Englishman hesitated, but pressed by the duchess to give her his opinion frankly, he replied, "I think, Madam, "that all the nobility of France is contained in the chamber "of the third estate."

The Archbishop of Paris proceeded at the head of a deputation to the court, at Marly, with a crucifix in his hand, and holding the holy symbol before the eyes of the pious sovereign, announced the monarchy in peril, and religion lost,

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if the Commons were not chastised for their presumption. Louis XVI., on returning from the council, found in his cabinet the portrait of Charles I. in the place of that of his grandfather. He adopted the silly and fatal proceeding of shutting up the hall of the Commons. This produced the memorable sitting of the Tennis Court, when the deputies bound themselves by an oath never to separate until they had given France liberty and a constitution; and the scarcely less memorable meeting of the next day but one, when, in reply to an officer of state commanding them in the king's name to separate, the president, Bailly, said, The assembled nation received no orders: and Mirabeau, with still more boldness, declared, that sitting there by the will of the people, they would quit their places only at the point of the bayonet*.

A considerable number of the clergy and the nobles now complied with the desire of the Commons, and joined their sittings, but it was too late. The two expressions above cited of Bailly and Mirabeau circulating with electric speed from the capital through France, unmanacled the genius of the revolution, unhappily not without bloodshed.

Some of the nobles who thus joined the Commons, took, it is scarcely necessary to add, a leading part in what may be called the movement†.

* "The chamber of the states-general is surrounded by guards, cannon, and a "countless multitude awaiting the result of the sitting. While the king mounts "his horse, it is noised about 'that his Majesty has made a great figure at the "'Assembly.' The king returns to the palace; and M. de Brezé, Grand Master of "the Ceremonies, presents himself covered to the assembly. A cry of, 'Hats "'off!' is heard. He then, uncovering, explains that he comes, on the part of "the king, to order the states to retire to the particular chamber destined for "each order. M. Bailly answers: 'Tell the king your master, that when the "'nation is assembled it has no orders to receive.' At this moment, M. D'Agoust "appears, an officer of the King's Guards (the same person who had carried "off Desprémenil and Montsabert from the Chamber of Peers, on the 5th May, "1788), and reiterates the orders of the king. M. Bailly declares, that he will "consult the assembly. Mirabeau exclaims, with great energy, 'We are here "'by the will of the people, and we will not abandon our places, unless by force "of bayonets.'"—(*Journal of the Proceedings.*)

† "On the 4th August, at an evening sitting, the Viscount de Noailles "mounted the tribune, and said, 'That all the crimes committed in the capital "'have their origin in the misery of the people, and in the oppression under "'which they have so long groaned; that before making decrees to arrest the "'progress of insurrection, decrees should be made to give security and comfort

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The taking of the Bastille was the signal for emigration. Courtiers, nobles, and clergy, the champions of the throne and the altar, abandoned Louis—not because the throne and the altar were not still defensible, though attacked, but because the privileges, pensions, and church benefices, in which centered their loyalty and devotion, were assailed past hope. They modestly proposed terms to the king before their desertion. "Give me," said Broglie, "*a carte blanche*, and, "at the cost of only seven heads, which I shall cause to be "struck off, you wear the crown more securely than any of "your ancestors." The king, who, with his accustomed vacillation of purpose, had brought the troops round Paris, to strike a *coup d'état* and disperse the assembly, recoiled from this cold-blooded proposition, alike revolting for its atrocity and presumption. The troops were withdrawn; the emigrants crowded the routes of Basle and Brussels: the court party in the assembly were borne down by a superiority of talent more decisive than even that of numbers. Louis, in short, seemed deserted by all but his body guard, whose band sounded in his ears, at Versailles, the mournful air, "*Oh! Richard, oh! mon roi! "l'univers l'abandonne.*" In this position, which required a minister of arch-angel superiority, Louis had only the vain Necker, who had been recalled by the mob—to retire, once more, with the loss of his popularity, and almost without notice.

There was still one man in France pronounced by many capable of arresting the revolution in its march, by the force of his genius, and because he was its leader — this was Mirabeau, who has left the impress of his mind upon every page of the proceedings of the first national assembly.

"' ' to the people, ordaining an equal apportionment of taxes, tithes, feudal " ' claims, &c.' The assembly finally decreed, by a great majority, the following " articles:—1st. Equality of imposts. 2nd. A renunciation of all peculiar privi- " leges on the part of orders, cities, provinces, and particular persons. 3rd. " Redemption of feudal rights. 4th. Suppression of mortmain and personal " servitude. 5th. Price of the redemption of the *incomes of the clergy* shall be " appropriated to enhance the value of benefices. 6th. Abolition of forest and " game laws and rangerships. 7th. Abolition of seignorial jurisdictions. 8th. " Abolition of the venality of offices. 9th. Gratuitous justice for the people. " 10th. Abolition of minister's money, except in cities. 11th. Suppression of " first fruits. 12th. Admission of all citizens to every office of the state, both " civil and military. 13th. Suppression of plurality of benefices."—(*Journal of the Proceedings.*)

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Mirabeau, happily characterised as "so great in his talents, "so little in his vices," had the capacity of a statesman, with every qualification, good and evil, for a demagogue. He was in his day the acknowledged leader of the revolution; and some recent publications which have brought into stronger light his private life and character, have tended on the whole to palliate the deformity of his passions and his conduct, whilst they enlarge the stature of his mind.

Dumont's Recollections of Mirabeau impress superficial or careless readers with the notion, that he plumed himself in borrowed feathers. But they really tell nothing that was not already and long known, *viz.* that materials were supplied to him by others, who were themselves astonished at the use which he made of them, and the form which they assumed under his touch.

The topic of his vices is trite to very common place,—and they were overcharged. The errors and infirmities of men of a superior order of mind, especially in public life and party conflicts, are seized on as a natural prey by party hatred, personal detraction, and envious mediocrity. Mirabeau had much to excuse as well as redeem the immorality of his earlier life. In his boyhood he was discarded and untrained; he was, in his youth, abandoned to the effervescence of unruly passions and sublime talents. His father, the "economist" and "friend of men," was the most selfish of mankind, and a tyrant in his family. Too busy with his own fame, he wholly neglected the education of his son; and when the son began to display talents which threatened one day to eclipse his own, he harassed and persecuted him with the cruelty of a despot and the envy of a rival. "Perish the state," said this humane philosopher, "rather than the sacred hand of majesty sign the "slightest injustice,"—at the very moment when he was using his credit with the minister to obtain "*lettres de cachet*" against his wife and children. Seventeen times, under various pretences, this "friend of men" had his son arbitrarily consigned, by "the sacred hand of majesty," to different state prisons; and at last, in his tender mercy, he was making arrangements to transport him to a Dutch colony Mirabeau, young, haughty, and irascible, remonstrated with a vehemence of indignation, refractory and unfilial perhaps, but palliated by the cir-

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cumstances. His disputes with his wife, prove neglect, infidelity, and mercenary dissimulation against him as a husband; but this, it should be remembered, in a country where marriage was then among the aristocracy an arrangement of convenience, and the marriage vow a jest. His intrigue with Madame Mounnier was the most notorious, if not the most scandalous, of his adventures, and partook also not a little of the comic. The Marquis de Mounnier, an old nobleman of Pontarlier, and the most ridiculous of his province, had already made the tribunals and common fame busy with his domestic troubles. He prosecuted a young officer, surprised with his daughter in her bedchamber, and succeeded only in establishing the young lady's shame. His next folly was to marry, in his seventieth year, a girl of eighteen, and of the most romantic imagination. His third, and not least folly, was to admit into his family, thus constituted, Mirabeau, then twenty-four years old, and a state prisoner at Pontarlier, with the freedom of the town. Mirabeau and Madame Mounnier soon loved each other with a passion of romance. The husband suspected nothing; but the jealousy of another old gentleman was more vigilant. The governor of the castle, or prison, also a septuagenarian, and a sighing swain at the feet of Madame Mounnier—with the success naturally to be expected—revenged himself like a gaoler upon his more fortunate rival. He wrote privately to Mirabeau, the father, such a letter as induced "the friend of man-"kind" to solicit "the sacred hand of majesty" once more for an order to shut up his son within the prison walls. Mirabeau, having notice of the coming storm, fled with Madame Mounnier to Holland. It was but a change of one tyranny for a worse. "A merciless tyrant of a Dutch bookseller" compelled him to work, from six in the morning till nine at night, for a wretched pittance, which barely kept up life and love in him and Madame Mounnier. In the mean time he was tried and condemned, in his absence, capitally, for "ab-"duction," executed in effigy, and, in fine, delivered up by the phlegmatic Dutch authorities to the French police, to be lodged safe in the dungeon of Vincennes, where he had the advantage of two years of unbroken solitude for study and meditation. He did, in fact, abandon himself to study with so much ardour, as to

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risk the loss of his sight; and carried on secretly, at the same time, a voluminous correspondence with Madame Mounnier, which proves the fervour of his eloquence and his passion more than the delicacy of his sentiments or his taste.

Having thus passed his life in the turmoil of elopements, imprisonments, and dissipations, he was absent, not excluded (as it is said by Madame de Staël), from the drawing-rooms of Paris. The stirrings of his genius and ambition would alone perhaps have made him disdain them. But the irregularities of his youth prepared him for the arena of the revolution. He pursued knowledge with the same ardour as he did pleasure. An exile or a prisoner, study was his resource for subsistence or consolation. Hence the stores of well-digested knowledge which he brought to bear upon the debates of the constituent assembly. The hardships and oppressions which he personally endured, generated in him an abhorrence of arbitrary power, a passion for liberty, and an extraordinary fortitude and force of soul. The criminal and civil suits in which he was involved, and (perhaps with a sagacious anticipation of purpose) pleaded as his own advocate, made him an orator. He was, in short, born and disciplined for the political chieftancy of a revolution. The rarest assemblage of qualities—logic, sarcasm, force, and electric fire—a voice of command, and a certain fierceness of aspect, which seemed not so much to want the common graces as to disdain them for the manly, the grand, the terrible,—all conspired to make it his special mission to rule "the "wilderness of free minds" in a popular assembly.

Mirabeau was suspected of meditating such a revolution in politics as Voltaire aimed at in opinion, and Rousseau in domestic life. It seems evident that he had, long before the revolution, meditated and laboured the design of raising the commons of France to an erect posture, and the exercise of power in the state. He was the first who proposed the assembling of the states-general. "I should," said he, in a letter to the minister Calonne, from Berlin, where he was on a secret mission, "hold myself infinitely honoured in being "secretary to an assembly of which I had the happiness to "suggest the idea. To remain here, condemned to the "degrading toil of wading through the filthy sinuosities of

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"an administration which signalises every day by some "act of incapacity or cowardice. It is beyond me. Recall "me, I pray you!" Too impatient to wait the minister's reply, he left Berlin for France three days after his letter, started with the nobles in his native province, and was rejected by them on a pretended point of form. He remonstrated.

"In what, then," said he," have I been so culpable? I have desired that the order to which I belong should give to-day what will infallibly be extorted from it to-morrow. Behold the crime of him who is called the enemy of the nobles and of peace! Or is it that I have said, the people might sometimes be right? Ah! doubtless a patrician, stained with this guilty thought, deserves punishment. But I am still more criminal than you suppose; for I firmly believe, that the people when they complain are always in the right; that the overpatient people always wait the last extremity of oppression before they resolve to resist; that the people never resist long enough to obtain due and effectual redress; that the people do not know the secret, that to be formidable to their enemies they need only stand still; and that the most innocent, as the most invincible of all faculties, is, that of refusing to act. I think all this. Punish in me the enemy of your order and of peace!"

Rejected by his brother nobles, he abdicated his nobility, and was elected by the Commons. His own order now proscribed him. The arrogant, the insolent, the frivolous, the conceited, showered down affected scorn and impotent mortification on the renegade noble, "the plebeian count." Mirabeau retorted a contemptuous defiance, marching at the head of the commons and of the revolution.

Upon the question—What title the assembly should adopt, he proposed that of "Representatives of the French people."

"I am told, that the acceptation of this word, 'people,' is mean and exclusive. I care little for the signification of words in the absurd language of prejudice. I speak the language of freedom here. I rely upon the example of the English—of the Americans, who have ever consecrated the word in their declarations, laws, and policy. When an English senator comprised in a single word the charter of nations, and pronounced 'the majesty of the people'—when the Americans opposed the rights of the people to the trash of publicists, and their pretended conventions, they determined the signification—the energy of this expression, so dear to liberty. . . . It is because the name of 'people' is not sufficiently respected in France—because it is obscured—because it presents an idea at which pride is alarmed, vanity revolted—because it is pronounced contemptuously, &c. &c., that we should choose it—that we should not only raise, but ennoble it."

Mirabeau at this moment cherished his nobility and title with more jealousy than the most aristocratic of his opponents; and it is well known to those who are conversant with

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the tactics of the party leaders in the states-general, that his object in urging the above designation in preference to that of "National Assembly" was to limit the power of the democracy. He was defeated, and the latter title preferred.

He decided the question of proclaiming equal rights to all religious sects, by one of those electric strokes of oratory which vanquish in an instant. A member cited the pledge of Louis XIV., in the capitulations of Cambray, to tolerate no other religion than the Roman Catholic.

"I would observe," says Mirabeau, to the last speaker, "that doubtless, under a reign signalized by the revocation of the Edict of Nantes, intolerance was sacred. I would observe further, that the memory of what was done by despots, cannot serve as a model for the representatives of a people resolved to be free; and since historical citations are the fashion in this matter, I will permit myself to make one. Remember, gentlemen, that from this place,—from the tribune in which I stand, I behold that palace-window, whence a faction, uniting its temporal interest with the interests of religion, caused the hand of a weak king of France to discharge the fatal carbine, which gave the signal for the massacre of St. Bartholomew. I have done."

This historic allusion, uttered with his characteristic energy of look, voice, and gesture, decided the question by acclamation.

Necker proposed an extraordinary subsidy by vote of credit, on his ministerial responsibility, as the only escape from national bankruptcy. It was supported by Mirabeau, with, it was supposed, the secret view of ruining the minister. The following picture, which concludes his speech, has been ranked with the most vigorous flights of popular oratory, modern or ancient.

"I would say to those who, from their dread of an extraordinary impost, famililiarize their minds with the contemplation of bankruptcy—to those, I would say, What is bankruptcy but the most cruel, the most iniquitous, the most unequal, the most disastrous of imposts? My friends, hear me a word—but one word. Two centuries of depredation and robbery have opened the gulf which is about to swallow up the kingdom. This frightful gulf must be closed. Well, here is the list of the French landowners. Choose among the richest, in order to sacrifice the fewest citizens. Choose—choose, at all events; for must not a small number perish to save the mass? Come; there are two thousand notables, possessing the means of filling up the deficit. Restore order to the finances, peace and prosperity to the kingdom. Strike—immolate, without mercy, those unhappy victims,—precipitate them into the abyss, and instantly it closes! You start back with horror! Inconsistent, pusillanimous men. Do you not perceive that in decreeing bankruptcy—or, what is still more odious, in rendering it inevitable without decreeing it—you cover yourselves with the infamy of an act a thousand times more criminal—and (which is inconceivable) gratuitously criminal; for the sacrifice, horrible as it is, would not close the

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gulf. Do you suppose that, because you will not have paid, you will therefore cease to be in debt? Do you suppose that the thousands, the millions of men, who shall lose in an instant by the terrific explosion or its rebound, all that was their comfort in life, and perhaps their sole means of existence, will leave you in the peaceable enjoyment of your crime? You stoic observers of the incalculable evils which this catastrophe will pour out upon France—you unfeeling, selfish, men, who think the convulsions of misery and despair will pass away like so many others, and the more rapidly as they will have been more violent, are you quite sure that so many men without bread will let you revel unmolested on those luxuries to which you cling? No, you will perish; and in the general conflagration which you do not shudder to light up, the loss of your honour will not save even a single one of your vile enjoyments? Vote, then, this extraordinary subsidy; and may it suffice. Vote it—because, even if you doubt the means of meeting it; your doubts are vague and unexamined; and you can have no doubt of its necessity, and of the impossibility of dispensing with it at the moment. Beware of demanding time; calamity never allows it. Eh! gentlemen, allusion has been made to a ridiculous motion at the Palais Royal, to a ridiculous insurrection which never had importance but in the weak imagination of some, or in the perfidy of others. You have heard pronounced, with rage, the words, 'Cataline is at the gates, and they deliberate.' Certainly, we have neither Cataline, nor danger, nor faction, nor Rome; but bankruptcy, hideous bankruptcy, is upon us—threatens to devour you, your properties, your honour—and you deliberate."

This speech is regarded as the triumph of Mirabeau as an orator and politician; he carried the vote of the assembly by storm, and helped the vain and thoughtless minister to a responsibility which crushed him. A member rose and said, "I rise to reply to M. de Mirabeau;" the assembly looked at him with silent wonder, and the unhappy orator, after standing for a moment, with his mouth open and his arm raised, sat down without uttering a word.

There is in the speeches of Mirabeau, too much of artifice, exaggeration, and theatrical effect, for the taste and practice of English oratory; but he appeared at a crisis which inspired, and he addressed a people susceptible of the boldest movements of rhetoric. Among departed English orators, he bears the nearest resemblance to Fox. There is the same vigour of dialectics, and impetuosity of temperament—the same light of knowledge, or of instinctive sagacity in its place—the same generous philosophy in their views for the freedom and happiness of mankind. But there is another leading and living public man, between whom and Mirabeau, may be traced more striking and curious traits of resemblance; the same grasp of mind—the same power of concentrating and dilating, so as to

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treat details in their minuteness, and embrace general views in their vastness; to ascend with ease to the highest interests of men, the highest range of thought, and descend with the same facility, to the common arts, and wants, and capacities of the humbler mass of the community—the Frenchman, a man of letters, treating matters of jurisprudence with the soundness and learning of a lawyer; the Englishman, a lawyer, treating literature and science with the taste and erudition of a man of letters; both meeting on the neutral ground of finance, agriculture, and trade, administrative policy, and legislation; both rearing, it may be said, with their own hands, for their respective countrymen, a system of elementary and popular education.

Mirabeau had just sold himself to the court, when death arrested his career, before he could yet compromise his glory. It by no means follows that he would, if he lived, have entered into the views of the court. He was embarrassed and unscrupulous, and hence his corrupt relations with "the Austrian "Committee;" but he must have known, that once the suspected agent of the court, he became powerless. He had an intellect to lead the wise, a manner to overawe the enthusiastic and the rash, but only in the sense and direction of the revolution; he never would, even if he could, restore arbitrary power, to be himself soon flung by, as a used and scorned instrument.

No one knew better than Mirabeau the fleeting nature of popularity. He observed, and had occasion to observe, more than once, that "it was but a step from the Capitol to the "Tarpeian rock," and that "a leader in revolution should "be always ready for flight or for the scaffold." He received several challenges from adversaries in the constituent assembly, made a note of them in his pocket-book, and said he should accept them after the assembly should have closed its labours. This was equivocal. Yet was there so much of haughty and overawing force and grandeur in his voice, countenance, and demeanour, that whilst his integrity was impeached, his personal courage was never doubted. His death was a public calamity to France and to Europe. "I thought," says Madame Roland, "he died opportunely for his own glory and for freedom; but "events have taught me to regret him more and more. The "counterpoise of such a man was necessary to oppose the

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". kennel of barking curs, and protect us from the domination " of bandits." That it was his great ambition to be minister, appears from an expression used by him to one of his friends in his last moments:—" Je crois," said he, " que si j'avais " vecu j'aurais donné bien de la tablature à M. Pitt;"—the most distinguished homage perhaps ever offered to the genius of the English minister.

All bowed in the constituent assembly to the superiority of Mirabeau. He had opponents and competitors, but no rivals. The four leading orators of the first National Assembly are characterised as follows, by Madame Roland: " Le puissant Mira- " beau, l'audacieux Maury, l'etonnant Cazales, le froid Bar- " nave." There are, however, several other names, some of equal, others of greater historical celebrity.

Among the great revolutionary measures of the period, that which produced the most splendid display of rhetoric and reasoning was a motion, that the tithes and other property of the church of France should be placed at the disposal of the state, subject to a provision for the clergy. The proposition was introduced by Talleyrand, then Bishop of Autun. It is unnecessary to point out the peculiar interest of the debates on this question, for all English readers, all parties, at the present epoch of legislative deliberation in England. We will extract a few of the more striking passages and more poignant observations. Talleyrand threw out bold abstractions and the pressing wants of the state with the insidious amenity of his style.

" I do not think," said he, " that it is necessary to discuss at any length the question of church property. It appears to me quite evident, that the clergy are not proprietors like other proprietors, because the property which they enjoy (and of which they cannot dispose) has been given to them, not for their personal benefit, but for the performance of their functions."

He then proceeds:—

" However inviolable may be the possession of property which is guaranteed by the law, it is clear that the law cannot change the nature of property for which it gives a guarantee; and that when the question relates to the property of the church, the law cannot confer more on the ecclesiastic than that which was granted to him by the original bequest. Now, no one is ignorant that all bequests of church property clearly indicate, as well as the different regulations of the church itself, explanatory of the sense and spirit of those bequests, that the single portion of that property which is necessary for the decent subsistence of the ecclesiastic, alone belongs to him; that he is merely the administrator of the remainder, and that such remainder is really granted to the poor, or for the

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maintenance of religious edifices. If then the nation secures to each ecclesiastic, of whatever kind his benefice may be, that decent subsistence, it does not infringe on individual property: and if at the same time it charges itself, as it assuredly has the right to do, with the administration of the rest; if it take upon itself the other obligations attached to this property—the maintenance of hospitals, workhouses, the repair of churches, the expenses of public education, &c.; if, especially, it only recurs to this property at a period of general calamity, it seems to me that all the intentions of the founders shall have been fulfilled, and that ample justice shall be found to have been rigidly accomplished."

Chapellier, in a speech of great power, entered more fully into the question.

"Nothing," says he, "more clearly proves the wisdom of the National Assembly in levelling all privileged orders of the state than the question at this moment under discussion. If the present legislature were differently composed, we should not have heard the phrases, 'spoliation,' and 'our property,' employed by the clergy, so frequently pronounced among us. The whole question resolves itself to this. Has the nation the right of taking the church or other mortmain property? Would the nation do well to take such property? The clergy have never been proprietors as against the nation. All corporate bodies, and other mortmain people have been created for the benefit of the social body. They hold their existence only from the law. Ministers of the altar! you cannot invoke the law against the nation. In you the usufruct of church property is alone vested. There are no proprietors where there is no power to dispose nor even to enjoy the totality; you are but administrators, and that character negatives your being proprietors. For whom has religious worship been established? For whom have churches been founded? Is it not for the nation? If you cease to be corporations, how can you hold property in your corporate capacity? The founders of church property have not bestowed it upon you as individuals; they have given it for the performance of public worship. The nation owes no account to any one of the manner in which it pleases to deal with foundations, when she takes it upon herself to carry them into effect. When I examine all your proofs of proprietorship with which you have furnished us, I find only proofs in favour of the nation. You have made no acquisitions except by consent of kings. The kings of France have forced alienations from you; it is as if the nation herself had done so. You tell us you have made gifts to the state; I demand by what right you have made those gifts, inasmuch as you have, at the most, but the usufruct of one-third of the donations that have been made to the church. The church has long been disgraced by the indecent conduct of its principal clergy, and a crowd of abbots wholly devoid of shame. I know that a great minister has been exiled for propounding the opinions which I express. This proves that the clergy had great interest at court; but proves nothing as to their right of property. You set up alleged national decrees. It is as if you told us that the nation has not the right to reform her laws. You have forgotten that decrees were then made by separate orders, and the disastrous veto was in full vigour. That there existed then two great corporations who raised themselves against the nation, and that the clergy themselves were the authors of the decree upon which they found their right of property. You pretend that this property is the result of the will of individual donors, but individuals cannot establish corporate bodies except by the will of the law."

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Gregoire argued how absurd it was for the clergy to confound the internal discipline of the church with its external police, dependent as that is upon civil authority.

"Two powers," (says he) "the one temporal and the other spiritual, govern men, and lend to each other a mutual support. The object of the one is individual and social happiness; that of the other, to penetrate beyond the bounds of life into new regions, where vice shall receive its chastisement and virtue its reward. The former alone possesses the corrective power to restrain the culprit; the latter enters into his soul, and fills him with remorse. The absence of the former would imply that of all political organization. Without the latter, a country would become a mere den of tigers in the human form."

The Abbé Sieyes spoke opinions rather than speeches. His voice was slender, his enunciation embarrassed, his gesture insignificant, and his discourses of any length sometimes heard with impatience. He accordingly affected to speak oracles, with pregnant brevity, sententious point, and a decisive tone, which gave him authority. His use, or abuse, of enthymeme rendered his reasonings sometimes obscure, but only the more oracular. He could also employ this form with the success of the tumultuous movements of Mirabeau. In the memorable sitting at Versailles, when the Commons disobeyed the king's command to separate, the assembly was thrown into excitement and uncertainty. "Gentlemen, we are to-day what we "were yesterday, let us deliberate," said Sieyes, with the greatest calmness; and they did deliberate. He resisted the confiscation of church property; whether from a still lingering bias towards his own order or from looking to church promotion for the reward of his patriotism. "They wish to be free," said he, "and know not how to be just."

The Abbé, afterwards Cardinal Maury, put himself forward in direct conflict with Mirabeau, and was regarded as his most formidable antagonist. He was not so much an orator as a rhetorician. He vindicated the court, the priesthood, and the aristocracy, with more audacity, than force or effect. The extremes to which he carried the pretensions of his party indicated his want of the first qualification to persuade and convince —good faith, and an intimate persuasion within himself. A partisan gladiator, actuated only by his interest and ambition, he outran reason and prudence in the fear of being suspected. He had an extraordinary command of language, with the expert use of the weapons of controversy, and was a vigorous as well

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as glittering declaimer. But his rhetoric was so hollow and unprincipled, he was so entirely a stranger to good faith or superior reason as guides of his mind, that his phrases designed for ostentation and effect recoiled upon himself, his party, and his cause. We will select a short extract from his speech on the church property question, rather as a curious reference to England, than as characteristic of his oratory.

"It is," (says he,) "by their incalculable alms that the clergy render the people docile to their instructions. How shall they control them, when they no longer possess the means to assist them? Charity supplies the place in this kingdom of an immense impost. Since the reign of Henry VIII., the period at which England usurped the property of monasteries, that country has been obliged to substitute for the alms of the clergy a particular impost for the poor, and that impost amounts annually to nearly sixty millions, in a kingdom whose population scarcely amounts to one-third of our own."

One of the most trite arguments against the alienation of church property was, that it consisted to a great extent of bequests by pious persons, princes and others, whose disposition of their property must be respected as inviolable. It was answered, as follows, by Mirabeau :—

"Let us conclude, that no work of man is made for immortality; since institutions, ever multiplied by vanity, absorb in the end the funds destined for their maintenance, it becomes necessary to destroy them. If a tomb had been erected for every man who had lived, it should have been found requisite, in order to have lands to cultivate, to overthrow those sterile monuments, and remove the ashes of the dead to provide food for the living."

The proposition of Talleyrand, after a more than usually mature and protracted deliberation, was decreed, and a state provision for the clergy according to a specific scale noted soon after*.

On the 17th of March in the following year, 1790, it was declared by a national decree, that the property of the clergy should be sold for the benefit of the nation, subject to the following provision for the maintenance of the clergy, &c. :—

"To the Archbishop of Paris, 50,000 francs (2000*l.*) per annum.

* The assembly afterwards passed the following decrees by a majority of 568 to 346 :—

"The National Assembly decree:—1st. That all ecclesiastical property is at the disposal of the nation, subject to a suitable provision for the celebration of public worship, and the maintenance of the clergy, as well as for the support of the poor. 2nd. That in providing for the maintenance of the clergy, not less than twelve hundred francs (48*l.*) per annum shall be assigned to every rector, exclusive of the glebe house and garden."

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" To the other bishops, from 10,000 to 25,000 francs (400*l.* to 1000*l.*) per annum, according to the extent of their diocese.

" To each rector, 1200 francs (48*l.*) per annum, exclusive of glebe house and garden.

" To each vicar, 700 francs (28*l.*) per annum."

This famous decree was soon set aside by the Jacobins, but revived in substance by Napoleon, and respected even by the restored Bourbons.

Cazales opposed Mirabeau, and defended the court with rare eloquence and a sincerity still more rare. He seems to have been above all self-interests, even those of his ambition and fame. He was a noble of inferior rank, and no fortune; yet the proudest of the aristocracy of France served under him, if it may be so expressed, from the respect and confidence inspired by his talents and truth; and he defended fallen or falling greatness in a tone of generous, forlorn gallantry, which extorted respect and praise even from his opponents. Upon a question, not of first-rate importance, the king's having the right to appoint the judges, he pronounced what has been called, " the funeral oration of the monarchy."

" The conclusion of the speech of the last speaker," said he, " is but vain eloquence; a repetition, more or less sonorous, of the common-places at all times in vogue against ministers and the minions who surround a throne. Were the colours in which he has painted them ever so true—and there is, perhaps, little generosity in attacking them now they are without power—his argument could have no force; and even though it had, it would only lead to this result—that no function, no power, should be confided to the king, because he must share it with courtiers and ministers. If I painted to you popular factions, the disastrous effects of popular intrigues, the fatal illusions of eloquence; if I named to you a Socrates, a Lycurgus, an Aristides, a Solon, immolated by the people; if I cited the illustrious victims of popular violence; if I reminded you that Coriolanus was banished, Camillus exiled, the Gracchi immolated at the foot of the rostrum; if I told you that the assemblies of the Roman people were insurrections, their elections factions; if I showed you the forum changed to a field of slaughter; if I told you there was not an election, not a law, not a trial, but was decided by civil war, you would admit that a popular government is not without its inconveniences.—(*The orator is called to order.*) Since this digression, to which I attach little merit, seems irrelevant, it must be so in point of fact. Our mission here is not to choose a form of government. The monarchical government exists; our mission is to repair, not attack it. The question is, whether it be not contrary to the essence of monarchy that the king should have no influence in the appointment of the judges. I beseech you to remark the embarrassment of those who would have the king only the first usher of the judicial power. They wish to carry the principles of democracy without daring to avow them. . . . But since their secret has escaped them, then all good Frenchmen rally round the royal authority, and

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repel that insane liberty which would be licence—that popular authority which would be anarchy! Let them dissipate the intoxication, under the influence of which—taking advantage of a people tired with our stormy assemblies—they would establish arbitrary power in an empire where the destruction of the clergy, the nobles, the parliament."—(*Applause on all sides, but not in the same sense. M. Lavie*—"*Let us hear the funeral oration of so many oppressors.*" *Applause from the left and from the galleries.*) Cazales resumes.—"If I wished to reply to the sarcasms that interrupt me, I might say, the funeral oration of the monarchy.—(*Applause on the right.*) How can the royal influence be formidable to a nation which has the privilege of assembling by its representatives, and directly expressing its will? Banish, then, those idle fears suggested by the enemies of the throne! Reject those false principles preached by men ever servile—flattering power wherever they find it—fawning upon the people to-day, after having yesterday fawned upon that power which they now calumniate. It is not particular interests or classes we are called to defend, but the royal authority. Let all friends of their country rally round that safeguard. Let us be persuaded of this truth, that the executive power must be maintained to maintain public happiness and liberty. This truth is dangerous only to the disturbers, who would usurp the authority of their legitimate master.—(*Violent murmurs at the word 'master.'*) The royal authority is now the tutelar deity of France—the rallying standard of all good citizens! Let us unite to defend it!"

The proceedings of the constituent, or first National Assembly, form a most valuable and curious repertory of facts, principles, and speculations bearing upon society and government—as the liberty of conscience, of person, and of the press, civil and penal jurisprudence. The freedom of religious worship—that freedom after which the mind of man most yearns, and which is the most frequently oppressed, and the most rarely and reluctantly allowed, was established on the most generous basis. "I demand," says Rabaud St. Étienne, "for the Protestants of France, for all the non-"catholics of the kingdom, equal liberty, equal rights. I "claim it for that people torn from the bosom of Asia—ever "wandering, ever proscribed,—who would have adopted our "usages were they not prevented by our laws; whose morals "we cannot reproach, because they are the fruit of our own "barbarity, and of the degradation to which we have so "shamefully condemned them."—"I am not," says Mirabeau, "about to preach toleration. Religious liberty the "most boundless is in my eyes a right so sacred, that the "word 'toleration,' meant to express it, seems to me itself "to border upon the tyrannical, inasmuch as the existence "of the power which tolerates would imply the power to

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" refuse, and thus invades the liberty of thought." It was in this generous sense that the assembly legislated on the subject. The liberty of speech and of publication was also chartered to the utmost bounds. Industry and the useful arts were liberated from partial imposts, monopolies, and prejudices of old usage. There is not, perhaps, in the vast range of the annals of nations, a moral spectacle more animating and grand than an assembly of the elect of a civilized and great people employed in taking down the whole condemned edifice, municipal, ecclesiastical, and political; examining without scruple, rejecting without fear; unawed by that which men tremble to approach and touch—error consecrated by time; putting the oldest opinions, the oldest institutions, once more upon the trial of their truth and utility, and re-constituting their system on the principles of modern discovery and advanced science. They committed great and fatal errors in the re-construction, but are not without some excuse. If they restricted the executive power of the king, or rather of the court, too closely, it should be remembered, that they were legislating for a royal race which through many centuries had produced but two, or at the utmost three, enlightened or beneficent rulers of the people; for a reigning prince, whose doubtful faith and weak character had provoked extreme distrust. If they humbled the church, it should be remembered that they had to do with churchmen scandalous alike for their vices and their wealth, and alike oppressive to the industry and intellect of the nation. They were too often swayed by the enthusiasm and illusions of eloquence, but they were in their adolescence of freemen, with their susceptibilities fresh and unworn. The fatal error of rendering the members of the first ineligible to the second assembly, has been remarked a thousand times.

It is scarcely necessary to remind the reader, that the business of the first assembly was to prepare the " constitution;" that of the second assembly, to adopt and enact it; hence the latter was called the Legislative Assembly.

The fate of the constitution in the new assembly was anticipated, with the usual accompaniment of a popular Jest. It was called Mademoiselle Target, from the advocate of that name, who drew up most of the articles. " We wonder," it

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was said, " that the father is not afraid to commit the young " lady to strange hands." The coup d'œil of the assembly augured ill for the inviolability of the virgin constitution, but proved the vast and rapid growth of mind in France. A powerful impulse and open field had been given in the provinces—more especially at the provincial bars—by the new liberty of speech and of the press. The new men, especially the republican deputies of the south, called Girondists, have left specimens of eloquent composition and impassioned oratory, in which they equal, if they do not sometimes surpass, their predecessors—with the single exception of Mirabeau.

The second National Assembly may be divided into Republicans and Jacobins. The constitutional monarchists had disappeared. The south of France, particularly the department of the Gironde, had sent up some twenty deputies, young, ardent, educated, fearless of danger, ambitious of liberty and glory, full of talent, and imbued by the perusal of the ancient classics with republican enthusiasm. These became the nucleus of a republican party, who sighed for the trial of their favourite scheme of government. But a band of rabble orators, generated by the freedom of speech and the rage for clubs, who flattered the worst passions and affected the dress and manners of the populace, were returned by the Jacobin Club of Paris and its provincial affiliations. These, under the chieftaincy of the notorious triumvirate, Chabot, Bazire and Merlin, formed the Jacobin party.

A natural repulsion might be expected between the Republicans, whose minds were cultivated, whose ambition was generous, who sought liberty for their country, and the Jacobins, whose desire was to level the superiorities, not only of rank and wealth, but of talent and virtue, and establish the despotism of the rabble to be administered by themselves. The Republicans flattered themselves that they could wield these leaders, as well as the passions of the populace, to realize their cherished vision; and their mistake proved fatal to themselves and to liberty. The Jacobins began the campaign by proposing that the king should no longer be styled " Sire," or majesty, and that the gilding should be rubbed off the chair reserved for him in the chamber. Decrees were passed against refractory priests and emigrants; among the latter, expressly

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the French princes of the blood. The unhappy Louis, from his feelings of religion and consanguinity, refused his assent, and the assembly placed the French nation in a diplomatic and military attitude of defiance. "Let us," said Isnard, a republican deputy, endowed with the contagious eloquence of a heated temperament and irregular enthusiasm, "let us tell "Europe that the French desire peace; but if they are com- "pelled to draw the sword they will throw away the scabbard, "and take it up only when crowned with laurels; that even "though vanquished, their enemies shall enjoy their triumph "only over carcases.—(*Applause.*) Let us tell Europe, that "we respect the constitutions of all other empires; but "that if the cabinets of foreign courts raise a crusade of "kings against the French people, we will raise a war of the "people against kings. Let us tell Europe, that ten millions "of Frenchmen, burning with the flame of liberty, armed "with reason, eloquence, and the sword, are able to change "the surface of the world, and make tyrants and their thrones "tremble!" This harangue struck a chord of terrible sympathy, now touched for the first time, and was responded to with enthusiasm. The king again refused his assent. The assembly became impatient of what they called his weakness and duplicity. Vergniaud, a man of superior eloquence, and the Mirabeau of this assembly, concluded a speech of electric eloquence with moving a resolution, "that the country was "in danger." No one could doubt the fact. But the object of the resolution and the speech was to vest a dictatorship in the assembly, and prepare the public mind for the deposition of the king.

"There are," said he, "some truths simple, but most important, the mere enunciation of which can, in my mind, produce effects more powerful and salutary than the responsibility of ministers, and may prevent evils which the latter could only repair. I am going to speak with no passion other than the love of my country, and a deep sense of the calamities which desolate France. I beg that I may be heard with calmness; that no one will anticipate my intentions; that I may not be approved or condemned prematurely. Faithful to my oath, it is the constitution only that I shall appeal to. Moreover, I shall consult the true interests of the king by tearing off the band which intrigue and flattery have put over his eyes, and discovering to him the goal to which his treacherous friends are labouring to conduct him.

"It is in the king's name that the French princes have invoked the courts of Europe against France. It is to avenge the dignity of the king that the

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treaty of Pilnitz was concluded. It is to defend the king that the *ex-gardes du corps* have ranged themselves under the standard of rebellion in Germany. It is to come to the king's relief that the emigrants are received in the Austrian ranks, and would tear the bosom of their country. It is to join these gallant cavaliers that other heroes, full of delicacy and honour, desert their posts in the face of the enemy, violate their oaths, rob the military chests, endeavour to corrupt the faith of the soldier, and, in short, make it their glory that they are cowards, perjurers, suborners, and assassins.—(*Applause.*) It is to restore the splendour of the throne that the King of Bohemia and Hungary makes war upon us—that the King of Prussia is advancing upon our frontier. It is in the king's name that every attack is made upon our liberty and independence;—in short, the king's name is the cause or pretence of all the evils that threaten and accumulate on our heads.

"Well, I open the constitution. In chap. ii. sect. 1, art. 5, I find it provided, 'that if the king places himself at the head of an army, or directs it 'against the nation, or if he does not formally and in fact oppose himself to such 'enterprise proceeding in his name, he shall be held to have abdicated the royal 'authority.'

"Now let me ask what is to be understood by opposition in form and fact? Plain sense tells me, it is a resistance proportioned, as far as could be, to the danger, and made in due and proper time. For instance, if in this present war one hundred thousand Austrians marched upon Flanders, one hundred thousand Prussians upon Alsace, and that the king opposed to each of these formidable armies a detachment of some ten or twenty thousand men, could it be said that he employed due and proper means of resistance, and acted in the sense of the constitution? If the king, charged with the external security of the state, was aware of the movements of the enemy and yet left the National Assembly in the dark; and though aware that we should be attacked within a month, disposed the means of defence tardily; if the enemy's progress was such as to render a camp of reserve necessary for the safety of the kingdom, and he negatived the decree; if he left in the command of the army a general suspected by the nation; if he denied reinforcement to another, thereby virtually though not expressly saying, 'I forbid you to conquer;' if there existed so much temporizing inefficiency or perfidy in our executive administration, while the confederated tyrants aimed a mortal blow at our liberty and independence, could it be said that the king had taken all proper means for the safety of the state, in the sense of the constitution?

"Let me, gentlemen, proceed a moment with this distressing supposition. I have need of more full development to place before you the unclouded truth. If, in consequence of the state of things which I have just presented to you, France was deluged with blood, the foreign enemy lording it, the constitution shattered, the counter revolution come; and if the king justified himself as follows: 'It is true the enemies who afflict France pretend to act for the 're-establishment of my power, which they consider outraged—to restore 'my royal rights, which they consider compromised or lost; but I have proved 'I was not their accomplice. I have obeyed the constitution, inasmuch as I 'have disavowed and forbidden these criminal acts, and opposed an armed 'force. It is true that armed force was weak—but the constitution has not 'determined the degree. It is true I assembled the troops too late—but the 'constitution specifies no time. It is true a camp of reserve might have been

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'advantageous—but the constitution did not oblige me to form one. It is true 'that when the generals advanced as conquerors into the enemy's territory I 'commanded them to stop—but the constitution does not direct that victories 'should be gained, and even forbids me to make conquests. It is true the 'army was disorganized by intrigues and desertions—but the constitution has 'not prescribed what I should do in such case. It is true that my ministers 'have deceived the assembly, and betrayed the state—but the constitution 'makes the nomination of ministers dependent upon my will. It is true 'the assembly passed several useful and even necessary decrees, and I refused 'my sanction—but it was my prerogative, my sacred right; for I hold it of the 'constitution. In fine, it is true that the counter revolution is going on—that 'despotism will soon restore its iron sceptre to my hands—that I will crush 'you with it—that you shall crawl once more—that I will chastise you for the 'insolence of wishing to be free; but I have done all that the constitution 'prescribed to me. No act emanated from me which the constitution 'condemns. You have no right, therefore, to doubt my fidelity to the 'constitution, and my zeal in its defence.'—(*Loud applause.*) If, I say, it were possible that in the calamities of a disastrous war, in the disorders of a counter revolution, Frenchmen could be addressed in this language of derision, by their king—if he could talk to them of his love for the constitution in a tone of irony so insulting, might they not say to him in reply—

"'Oh! king, who doubtless hast thought, with the tyrant Lysander, that 'truth was not worth more than falsehood, and that men were to be amused 'with oaths as children with toys; who hast pretended love for the laws only 'to keep the means of braving them—for the constitution, only that it should 'not hurl you from the throne, whence you meditated its destruction—for the 'nation, only to gain its confidence for the purpose of betraying it; do you 'think to deceive us with your hypocrisy and protestations? Do you 'think to mislead us, as to the cause of our calamities, by your audacious 'sophisms, and artful excuses? Did you provide for our defence, by opposing 'to the enemy a force so small that defeat was certain? Did you provide for 'our safety by nullifying decrees tending to protect the frontier and interior of 'the kingdom, and save us from becoming the prey of tyrants? Did you 'defend us by paralyzing the government, by keeping a disorganised ministry? 'Did the constitution give you the choice of ministers for our ruin or our good; 'the chieftaincy of the army for our glory or our shame? Did the constitution, 'in short, give you the veto, a civil list, and so many great prerogatives, only 'to destroy constitutionally the constitution and the empire? No, no man! 'whom the generosity of Frenchmen has not touched—whom despotism alone 'can move—you have not fulfilled the will of the constitution. The consti- 'tution may be subverted, but you shall not gather the fruits of your per- 'jury. You did not, in fact and form, oppose the conquests made upon liberty 'in your name; but you shall not gather the fruits of your unworthy triumphs! 'You are henceforth nothing to the constitution, which you have so shamefully 'violated—to that people which you have so treacherously betrayed!"

The effect of this speech is described as having been prodigious at the moment. It was in its immediate consequences fatal to the king, and in its remote consequences no less fatal to the orator and the party of which he was the chief.

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The catastrophe was now rapidly advancing—the only question being, whether the stage should be ensanguined? —when the National Assembly exhibited one of those incidents which prove that tragi-comedy is the most faithful image of the drama of real life. " A thought strikes me," said a worthy member, in the midst of the danger of the country and the strife of party, " let us vow eternal harmony, " and embrace!" This inspiration of the moment, somewhat amplified by the orator, was caught instantly, and the whole assembly rushed pell-mell into each other's arms. Jacobins embraced royalists, republicans, monarchists. Chabot, Bazire and Merlin, clasped Dumas, Ramond and Girardin, whilst the grave Pastoret threw his arms round the philosophic Condorcet, with whom he had quarrelled the day before. In this way, like the monks and nuns under the spell of Oberon's horn in the romance, they continued a full half hour, clasping, skipping, and shouting, " The country is saved! the country " is saved!" and poor Louis was called in to take his part in the burletta. But all was dispelled as whimsically as produced. The wonder-working orator unluckily bore the pastoral name of " Lamourette." There is nothing a Frenchman dreads more than ridicule. The name of " Lamourette" was made the subject of numerous puns and pleasantries in the drawing-rooms, and ditties were sung in the streets at the expense of the assembly. The parties, rather than have the laugh against them, resumed their arms and their animosties; and the terrible 10th of August, after deluging the Tuilleries with blood, consigned Louis XVI. and his family to the prison of the Temple.

The last act of the Legislative, or second National Assembly, now about to close its career, was to decree the suspension of the functions of the king, appoint a provisional executive in the persons of the existing ministry, and proclaim the convocation of a National Convention. The last decree passed in pursuance of a brief but eloquent report drawn up by Condorcet. It concludes as follows:—

" However we may be judged by cotemporaries and posterity, we shall at least have nothing to fear from our own consciences. To whatever perils we may be exposed, we shall have left to us the happiness of having saved streams of French blood, which conduct less firm on our part would have caused to flow.

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At least, we shall not have to reproach ourselves with having open to us one course to save our country without having the courage to follow it."

Before this assembly be condemned, its situation should be remembered. The king was paralysing the faculties of the state, and leaving the nation a prey to domestic and foreign enemies. The National Assembly, thus forced to an option between the sovereign and the nation, decided for the latter. The decrees against seditious priests and conspiring emigrants were severe, but perhaps not, under the circumstances, unjustifiable;—they will not, of course, be confounded with those subsequently passed by the terrible Convention. The great reproach of the republicans was, their employing the savagery of jacobinism and the rabble to erect their cherished scheme of government. One voice, that of a heroic woman, warned them of the danger and disgrace to which they exposed themselves. "And that Danton," said Madame Roland to her friends, "with his profligate life and scan-"dalous reputation!"—"What would you have?" said they in reply. "He has been useful in the revolution, and "is liked by the people; we must not provoke discontent. "We must make the best of things as we find them." Upon this she justly observed, "It is all well said; but it is easier "to withhold from a man the means of influence, than, once "possessed, to prevent his abusing it."—"And in this," she continues, "began the disastrous errors of the patriots." They saw their mistake too late, when the insurrection of the 10th of August was followed by the unutterable horrors of the prison massacres of September; and they tried to restrain or separate from their atrocious allies. Vergniaud, with his accustomed eloquence, denounced them to execration.

"Whence," said he, "this torpor of the citizens of Paris? Let us no longer dissemble. It is time to speak the truth. The horror of the past, the fear of future proscriptions—private animosities and infamous denunciations—arbitrary arrests, and the violation of property; in fine, the oblivion of all law, has spread consternation and affright. Good men conceal themselves. They turn away with horror from scenes of blood; and good men must hide themselves when crime is triumphant, in the expectation of better days. There are men, on the contrary, at once hypocritical and ferocious; who show themselves only in times of public calamity, like those destructive insects which the earth produces only in a storm. These men are ever spreading suspicion, distrust, jealousy, hatred, vengeance! They are eager for blood. In their factious discourses, they aristocratize virtue in order to have the right to trample it under foot;

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they democratize crime, in order that they may revel in it without fearing the sword of justice."

We come to the Convention—that terrific anomaly in the annals of government, which exercised its power abroad with a resistless unity of force and purpose—rolled back the tide of invasion—and made Europe tremble; whilst it contained raging within its bosom all that is most distracting and devouring in the passions and characters of men.

Royalty having been abolished and the republic proclaimed, the King was forgotten in his prison as if he were in his grave. The two parties upon taking the field manœuvred and rested for a moment as if to discover each other's strength; then the battle commenced. The republicans (we prefer the term to the more limited one of "Girondists,") thought only of vanquishing; the Jacobins of exterminating. The arena of ancient Rome, in which captive warriors disputed for victory with wild beasts, is no unfaithful illustration of the interior of the Convention. In the latter, as in the former, it is a contest for life or death, and there is the same spectacle of brute ferocity and heroic prowess. The spirit of terror and evil soon proved its disastrous ascendant in the person of Robespierre.

We must go back for a moment with this most mysterious and maleficent of human beings. He sat in the first Assembly, and shared with Petion the lead of the extreme left, or ultra-democratic party; but obtained no reputation for statesmanship or eloquence. A provincial advocate with the habits and character of a provincial student—with boundless ambition and a considerable stock of instruction and ideas—but wanting grace, ease, and manner—the art in fact of showing himself to advantage, which is the result of usage of the world and good society; he felt rebuked and humiliated among the first chiefs of the revolution — vowed within himself to be one day revenged—and started for the goal with an undeviating, passionless, pitiless fixedness of purpose, which seems more than human. Yet is he a proof what mediocre talents suffice to make a tyrant. His views were ordinary—"his thoughts were "low,"—his oratory was wretched. But he was a man with a single ruling idea, and indefatigable perseverance; bribe-proof and austere in his private life; with that indifference to the shedding of human blood, which serves and secures the tyrant

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better than the sanguinary thirst which produces gratuitous cruelty. The French poet who has drawn the character of Mahomet gives to that philosophic impersonation of profound hypocrisy and vast ambition, one confidant from whom he had nothing secret, and paints him not insensible to the fascinations of the sex. Robespierre had as enthusiastic sectaries and devoted satellites as Mahomet, but he was without passion, affection, weakness, and no eye ever penetrated the cavernous recesses of his soul. One of his chief holds upon the populace was that he never descended to the level of their dress, their manners, or their common vices. His care of his person and phlegmatic temper gave him an air of dignity in the midst of his ruffian band.

Robespierre had supported strenuously the ineligibility of the members of the constituent to the legislative assembly, and was lauded by the rabble for his disinterested patriotism. But he employed himself more effectually for his future projects than if he were a legislator. He made himself the idol of the Commune of Paris and the Jacobin Club, and backed by these he soon made himself the dictator of the Convention. Never sat tyrant amidst more frightful satellites of tyranny and crime than Robespierre in the Convention. Around him were seen the ferocious voluptuary Danton, who seemed as if he would, at the same moment, grasp the poniard in one hand, and the cup of Sardanapalus in the other; Marat, affecting familiarity with Danton and Robespierre, and scorned by them; Billaud Varennes and Collot d'Herbois, the appearance of the one indicating a cloistered ascetic, that of the other a life of debauchery, and the orgies of the preceding night, and both stamped visibly as adepts in cruelty and crime; St. Just a young and gloomy fanatic of severe aspect, with dark lank hair; Couthon an aged cripple, who could not move without being carried, looking at once tranquil and atrocious. In this terrible group were observed two figures which could not be seen there without surprise, Pelletier St. Fargean and Herault de Sechelles; the one still retaining the decency and dignity of a gentleman, the other combining distinguished manners with the most engaging appearances of ingenuous and accomplished youth.

The first attack upon Robespierre on the side of the

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republicans, was made by Rebecque of Marseilles, supported by Barbaroux, young, eloquent, enthusiastic, and brave, with the head of an Antinous, and the republican soul of a Brutus. They denounced the tyrant to the Convention, as aiming at a dictatorship; his defence was wretched; Danton, with his fearful aspect and tremendous roar, came to his relief; the hideous Marat assisted the diversion in his favour by the universal disgust and horror of his presence in the tribune; and Robespierre came out of the conflict with increased power.

The republicans still continued to attack and denounce him, indirectly rather than openly; "who dares accuse me?" said he at last, in the confidence of his power to resist, and be revenged—a moment's pause ensued—"I dare accuse thee, "Robespierre!" said Louvet—and a little pale-faced man, with an eye of fire, and the heart of a lion, ascended the tribune. Robespierre looked at him with a sardonic smile, and this was one of the few instances in which such a smile from him did not prove fatal. "Louvet," says Madame Roland, "brave as a lion and simple as a child, could make "Cataline tremble in the senate, dine with the graces, and "sup with Bachaumont." He was hitherto, known chiefly as the author of a work of fiction, alike remarkable for the merit and demerit of wit, gaiety, eloquence, and licentiousness; his philippic against Robespierre is really Ciceronian; after revealing by rapid and brilliant flashes, the acts, the projects, and the character of Robespierre, he winds up with a peroration of tremendous energy, each sentence of which begins with "Robespierre, I accuse thee," and concludes with the Roman form of republican impeachment, "Robespierre, I "accuse thee in fine, of aspiring to supreme power." Louvet was heard with enthusiasm, and congratulated as he descended from the tribune. Robespierre succeeded him, discouraged, pale, and received with murmurs. Instead of proceeding with his defence, he asked eight days to prepare it. There was in the Convention, as in almost every deliberative assembly, a mongrel party, who, to conceal their imbecility and cowardice, affected to be impartial moderators of the two extremes; such a party in a great public crisis, is the curse of nations, and the great instrument of crime; this party in the Convention, under the guidance of the despicable Barrère, who naturally humane,

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yet through pure cowardice sullied himself with the worst crimes of the Revolution, granted the delay, and it proved fatal.

The tyrant took his measures so well with the commune of Paris and the Jacobin club, that he returned to the Convention, not as one accused but as an accuser, and came off triumphant. Robespierre did not wreak his vengeance directly upon his opponents; he resolved to wound them through the sides of the fallen and captive king; the unhappy Louis XVI. was in consequence once more brought upon the stage, before the Convention. The aim of Robespierre and the Jacobins was to put the mark of the king's blood upon the republicans, in common with themselves; or if they voted for the preservation of his life, to put on them the more fatal brand of royalism.

We pass rapidly over the trial and death of the unhappy Louis XVI.; the first question of his guilt was decided by a vast majority; the great struggle turned upon whether he should be punished or not with death. The pure Jacobins seemed to thirst for his blood; of the republican party, some, as Carnot, thought the republic in danger whilst the dethroned king lived, and looked upon the death of an individual as a sacrifice, by which its consolidation and perpetuity were to be attained; others, and more especially the Girondist republicans, thought to save his life, and at the same time protect themselves from the imputation of royalism, by voting his death, with the reservation of an appeal to the people; the former proved the majority, and the unfortunate Louis was led to the scaffold.

We will offer but one remark. The only real question was, the king's inviolability under the constitution; that Louis XVI. not only used his prerogative to paralyse the energy of the nation and the powers of the National Assembly and executive government, but moreover, was in actual correspondence and concert with the seditious clergy, and emigrant chiefs, and the coalesced sovereigns, and in express terms wrote to the Bishop of Clermont, that upon recovering his authority, he would restore the ancient government, and reinstate the clergy in all their ancient rights; this is as clear as evidence could make it; in

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short, the proofs against him were such as must have convicted a subject of treason; and the only question was his constitutional inviolability, upon which we will not enter. The unhappy prince seemed to rise with his distresses, and it may be said of him, in the words of Shakspeare, that

"Nothing in his life
Became him like the leaving it*."

Robespierre followed up his victory against his opponents in the Convention. The same means which were used to dethrone the king on the 10th of August, were employed to destroy the leaders of the republican party, or Girondists,—a popular insurrection. An armed multitude, organized by the Jacobin club, and led on by the officers of the commune, or municipality, of Paris, and chiefly directed by the execrable Marat, surrounded the Convention, and with the cannon pointed, obtained, by the mockery of a vote, the proscription of the most virtuous, eloquent, and courageous leaders of the republican Girondists. Louvet, Languinais, Isnard, were among those who escaped death by flight and concealment. Gensonnet Barbaroux, and Salles, were discovered in a cave near Bourdeaux, and guillotined. Petion and Buzot, after wandering for some time in the wildest parts of the South of France, perished by their own hands; their bodies were found half devoured by wolves. Rabaut St. Étienne was betrayed by an old friend, to whom he confided himself. The rest perished on the scaffold, in Paris, except Volage, who, on hearing the sentence of death pronounced almost instantly dropped down. His companions supposed his fall caused by the shock, and were astonished at his weakness. It proved that he had struck a poniard to his heart. Vergniaud defended himself with his usual eloquence on his trial, and provided himself with poison; but finding he had not enough to share with his friends threw it away, and proceeded with them to the guillotine. Among those who perished were the ex-minister Roland, and his celebrated wife. Madame Roland displayed a heroism for which history furnishes no parallel. What a subject for meditation and wonder, this delicate woman, in a

* The following mournful paragraph appears in the Moniteur of the 26th of January, 1793; "la veuve de Louis XVI. fait demande à la commune "des habits de deuil, pour elle et ses enfans."

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dungeon, with a horrible death impending over her from hour to hour, yet retracing in her memoirs the scenes of her childhood and her youth with all the freshness and playfulness of the happiest state; sketching, with the pen of Tacitus, what she had witnessed in her maturer life, of atrocious perfidy and bare-faced crime in the tyrants and demagogues—of generous virtue, talent, and fatal imprudence, in the patriots of the revolution; resolving to defeat her persecutors by taking poison; renouncing this last resource in the hope that the public spectacle of her execution and her last words on the scaffold might prove advantageous to France, and to freedom; and in her last moments, giving to manly virtue an example of courage which it may equal but can never exceed. She predicted that her husband would not survive her. Upon hearing of her death, he left his retreat, in order not to compromise the friend who sheltered him, and was found leaning against a tree on the highway, stabbed to death with a cane sword by his own hand.

We will here offer a remark in passing, upon Sir Walter Scott's introduction to his "Life of Napoleon." Madame Roland is there sneeringly designated "the citoyenne Roland;" her "boudoir," and "Barbaroux" are talked of in a tone of great injustice to her fame; and the minister Roland is called "a poor pedant," with the most contemptuous general notice of his administration and character. Madame Roland, so far from favouring or adopting beyond the absolute necessity of the laws, the levelling and vulgar vocabulary of Jacobinism, preserved, conspicuously, the manners of good society, and the graces and virtues of her sex. In speaking of her "boudoir" and "Barbaroux," Sir Walter was deceived by the party slanders of the time—royalist and Jacobin. Roland was not a *classic* pedant as Sir Walter supposes, but a man whose life and writings were devoted to practical science, the useful arts, and public economy; his administrative talents were never questioned before, and his courage and probity were signal; —his only fault was that rigour of Cato, who himself intact made no allowance for others.

Eloquence, talent, and dignity now vanished altogether from the Convention; its declamations were abject in language,

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indigent in thought, bombastic and atrocious in style. Atheism became the prevailing tone. The archbishop Gobel* and his clergy of Paris appeared at the bar of the Convention, to abjure christianity, and proclaim that hitherto they had been "perjured hypocrites," or "the dupes of superstition." The example was followed by crowds of priests from the provinces. The profession of atheism, and recantation of all religion at the bar of the Convention became so common at last, that even Robespierre and Danton declared "this new mummery "as bad as the old," and obliged the worthy converts to relieve their consciences before the Committee of Public Instruction.

One honourable exception presented itself during these scandalous scenes: Gregoire, then Bishop of Blois, who had just entered the Convention during the Archbishop's recantation, mounted the tribune:

"I have," said he, "but vague notions of what has passed "here before I entered; I am solicited, importuned to abjure. "I am spoken to of sacrifices to my country. Such sacrifices "are not new to me. Is it a question of attachment to the "cause of liberty? I have long been tried and proved. Is "it a question of the revenues attached to my functions as a "bishop? I abandon them to you without regret. Is it a "question of religion? That is a matter beyond your "domain. You have no right to touch it. I hear pronounced "the words "fanaticism," "superstition." I have ever combatted them. But define those words, and it will then be "seen that "fanaticism" and "superstition" are diametrically "opposed to religion. For my part, a catholic from conviction and sentiment—a priest from choice, I have been designated by the people to be a bishop. But it is not of the "people, or of you, that I hold my mission. I have consented "to take the charge of episcopacy at a time when it was "surrounded with thorns. I was importuned to accept it. I "am now, again, importuned, tormented, to extort from me "a renunciation which shall never be extorted from me. "Acting upon principles which are sacred to me, and of which

* This worthy prelate was refused episcopal institution to his see by two bishops, but found a third more constitutional and complying in the then bishop of Autun, now the Prince de Talleyrand.

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" I defy you to rob me, I have endeavoured to do good in " my diocese, and I will continue a bishop to continue doing " good. I invoke Religious Liberty !"

Robespierre, now the dictator of the convention and of France, without any visible means of sustaining his tremendous power—without a diadem, an army, or an exchequer—struck death and terror on every side, as if with a demoniac spell. It remained for him only to level the rivalries of his own faction, and then stand alone in the midst of carnage and prostration. He easily freed himself from the poor competition of the unhappy Orleans, towards whom the Jacobins still felt a sort of contemptuous kindness. Robespierre flung him, in passing, to the tigers of the revolutionary tribunal, without opposition even from himself. The crimes of this unfortunate prince, and the calamities of Louis XVI., seem to have sprung from the same family source—deplorable weakness of character. He was borne along, scarce consciously, on the surge of the revolution. His early opposition to the court is ascribed to his personal hatred of the queen, more than to ambition. He imputed to her his frequent exiles and court disgraces. " They " shall pay me dearly, though I perish for it," said he, one day, to a friend in whom he trusted, and who was trying to console him. " I shall perish satisfied, if I drag the king, " and above all, the queen, with me into the gulf." If we may trust some of the squibs and pamphlets of the day, this vindictive rage was the effect of despised love. The queen rejected his passion with disdain, and caused his exile from court, in order to relieve herself from a vigilant and jealous spy. He seems to have been alike destitute of personal spirit and political courage. Lafayette threatened to give him " a " slap in the face," and Mirabeau said of him, " I placed his " foot upon the first step of the throne, but he had not " courage to ascend it;" yet he died with great sang froid. Robespierre's next victim would probably have been Marat, the execrable idol of the rabble, but the republican spirit and romantic courage of a girl, Charlotte Corday, saved him the trouble, by ridding human nature of a monster, whose thirst for blood could be reconciled with his human form only by the supposition of his being insane.

The sharers of his atrocious popularity remained. St. Just,

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the most able and devoted satellite of Robespierre, denounced to the Convention, in a long report, breathing terror, mystery, and fanaticism, a new conspiracy against "the Republic, one "and indivisible. The interests of the people and of justice," said he, "demand that you should be told thus much, but "do not permit that you should be told more." This was the prelude to the destruction of the accomplices of Marat, called Hebertists, from their chief, Hebert, the writer or editor of a publication called *le Père Duchesne*, through which this infamous faction 'popularized' carnage, atheism, and obscenity. The crafty Robespierre consigned these miscreants to the guillotine, in the name of "morality" and "the Su-"preme Being." The most notorious of them were Hébert; Chaumette; the atheist ex-bishop of Paris, Gobel; and the crazed fanatic, Clootz.

There was still one faction, one single rival of Robespierre, the most formidable of all—the Dantonists, and their chief Danton—sometimes denominated the Mirabeau, sometimes the Alcibiades of the rabble. He may be said to have resembled both (with the differences only of the patrician order and the populace) in his tempestuous passions, popular eloquence, dissipations and debts like the one; in his sensuality, his ambition, his daring and inventive genius, like the other. Danton exerted his faculties and indulged his voluptuary indolence alternately and by starts. His conceptions were isolated but complete in themselves and of terrific force and efficacy as practical engines in revolution. The committee of public safety and the revolutionary tribunal were his inventions, and evince how terrible and how creative was his genius. His ambition was not personal. He would freely sacrifice himself for the republic or his party. He was inhuman, not so much from instinctive cruelty as from a careless prodigality of blood, his own included. He viewed the revolution as a great game, in which men played for their lives. He took those he won, as freely as he would have paid his own had he lost. It is easy to perceive the many advantages which profound hypocrisy and a selfish and single aim gave Robespierre over such a rival. Not the least of these advantages of the mediocrity of the one over the superiority of the other, was that of being despised. Danton looked on Robespierre as a working well-intentioned

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revolutionist, without capacity or ambition to aspire to tyranny. He even had, at this period, an access of humanity or of lassitude of crime. "The republic," he said, "was in the posses-
"sion of the field," he wished to put an end to the system of terror. His friends apprised him of the strides of Robespierre, and his own personal danger. His only answer was, "he dares "not." But it was a maxim of St. Just, that in a revolution, to dare was every thing. "Osez," said he to Robespierre, "voilà tout le secret des révolutions."

Danton and the chiefs of his party, were taken from their beds and thrown into the very cells lately occupied by the Hebertists. Next morning the Convention met. The members whispered in sombrous groups. Legendre the butcher, hitherto so inhuman, but whose breast was now touched with pity, mounted the tribune. "Citizens," said he, "four members of this assembly were arrested last night. "I know that Danton is one." He then pronounced an eulogy on Danton, hinted at private animosity and Robespierre, and moved that the arrested members should be tried by the Convention at its bar. Courage is contagious, like cowardice. The dastard majority of the Convention applauded him. Robespierre ascends the tribune, looks around him with his deadly smile, and fear, distrust, or the silence of death ensue. His speech is a remarkable specimen of craft, hypocrisy, sang froid and terror. "I perceive," said he, "from "the troubled aspect of those who surround me—from the "agitation produced by the first words which fell from the "lips of Legendre, that a great interest is felt to be at stake— "in short the question whether individuals shall carry it against "the country—(Applause). Legendre affects not to know the "names of those who have been arrested. The whole Con-"vention knows them. His friend Lacroix is of the number. "Why does he affect ignorance? Because he knows that no "one could have the effrontery to defend Lacroix. He has "named Danton because he supposes Danton's a privileged "name. We will have no privileges—no idols. We shall "see to-day whether the Convention dares break a pretended "idol, a long time rotten—or whether the idol in its fall, shall "crush the Convention and French people.
"The friends of Danton have written to me, spoken to me,

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" besieged me in the hope that former intimacy and an antique " faith in false virtues, might slacken my zeal for liberty and " the public good. They have tried to intimidate me by " saying, that after Danton, I should be the next victim. " Well. Not one of these considerations has touched my " soul. I declare that were I to be the next victim, I would " still go on. What are dangers to me? My life is my " country's, my heart is exempt from fear. " The occasion doubtless is one which demands courage and " magnanimity. Vulgar souls and conscious criminals always " tremble at shedding the blood of beings like themselves. " But there are heroic as well as vulgar souls in this Asssembly, " &c." The motion of Legendre was abandoned even by himself, and Danton consigned without a struggle to the revolutionary tribunal.

Danton could not think that this tribunal, his own creation, would dare condemn him. Instead of defending himself in form, he indulged in vehement invective and bitter sarcasms against his enemies, and worked upon the attendant populace so strongly, that they might have risen to his rescue, if the agents of Robespierre had not silenced and condemned him. Danton mounted the scaffold with a haughty disregard of his enemies, the world, and his own life. He was affected for a moment, and exclaimed, " Oh! my beloved, my " wife, I shall never behold thee more." Then suddenly collecting himself, he said " Danton, no weakness," and perished. It is said he prophetically exclaimed, " Robespierre, thou shalt " follow me soon."

In the train of Danton perished Hérault de Sechelles, regretting too late that he could not atone for his crimes and the abuse of the finest talents; and Camille Desmoulins, who, recovered from the brain fever of Jacobinism, invoked humanity and proposed a committee of clemency to counterpoise the committees of massacre and terror. His wife, young, beautiful, faithful, and full of courage, who had opened her husband's heart to humanity, provoked the rage of his enemies, in order to die with him. This was one of the hopes which the ruffian Jacobins never disappointed. She perished on the scaffold with the courage of Madame Roland.

Robespierre now stood alone like the last man, over a world

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of devastation, but his ambition was not yet satiated; aspiring to spiritual as well as temporal supremacy, he instituted a new religion, consisting of a half sentimental, half allegorical worship of the "Supreme Being." A grand religious fête was ordained on the occasion, and the arrangement of it assigned to the painter David. That singular personage got up a really picturesque and ingenious melodrame, and Robespierre, after pronouncing a vapid oration, marched proudly as high-priest, at the head of the procession. A great and solemn impression is said to have been produced upon some, who were the dupes of his hypocrisy, upon others, because the worship of the deity, if not innate, is yet a sentiment congenial to the soul of man. This was the acme of Robespierre's pride and power—his hour was come.

The pure levellers of the Jacobin school, who looked complacently on Robespierre in his career of blood, were revolted at the haughty strides and supercilious air of the high priest in the melodrame; the surviving friends of Danton meditated revege; and even the shuffling and dastard party of Barrere seemed roused to the courage of the worm, by the fear of being next trodden on,—there being no party left between them and the guillotine. Tallien's heart was changed by the influence of a beautiful woman, afterwards so distinguished in Paris as his wife; two, the vilest of his colleagues, in the committee of public safety, Billaud Varennes and Collot d'Herbois, turned against Robespierre from envy of his power, two adhered to him, the atrocious and imbecile Couthon, and St. Just, a revolutionary fanatic of capacity, energy, and boundless daring. Robespierre hastened his ruin by passing a new law to bring the necks of the Convention still more directly under the edge of the guillotine; some members ventured to ask time to deliberate; Robespierre was astonished at the insubordination of his slaves, and the law, after some desultory observations in a crouching and repentant strain, was passed. The tyrant now lost some portion of his craft and vigilance, in the height of his presumption, and meditated with little disguise the carnage of a new "*epuration*;" but his slaves in the mean time meditated emancipation and revenge; all parties in the Convention, the few virtuous and the vile, the courageous and the timid, became leagued in a common bond of conspiracy against Robespierre.

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A month passed without any remarkable occurrence; Robespierre, who had of late spoken rarely in the Convention, devoting himself chiefly to the Jacobin club, ascended the tribune on the 8th of Thermidor, and threw down the gauntlet to his enemies. Gloom and agitation followed his speech; the members consult with each other in parties, groups, and pairs; Lecointre moves the printing of the speech of Robespierre—Bourdon opposes it—fear, and the habit of submission creep once more over the Convention, and the majority vote for printing the speech. But a new impulse of courage and resistance is given by Vadier, and strange to say, from wounded vanity; Robespierre had not assigned him a sufficiently prominent place in his enmity and revenge! The vote just past is as quickly cancelled, and the speech referred to the committees of public safety and general security. Thus ended the sitting of the 8th of Thermidor, after a skirmish which may be called the prelude to the decisive battle of the following day. The president had no sooner taken the chair on the morning of the 9th, than St. Just ascended the tribune; he had spoken but a few words, when he was interrupted by Tallien, who denounced St. Just and Robespierre. "Let," said he, "the "curtain be wholly withdrawn — the traitors unmasked." Billaud Varennes interrupting in his turn, declared that a plot to cut the throats of the whole Convention was agitated in the Jacobin club the preceding night; a movement of horror in the assembly is followed by shouts from the members, standing up and waving their hats; Billaud Varennes continues his denunciation—Robespierre rushes furiously to the tribune, and is received with cries of "down with the dictator," "down with "the tyrant!" Tallien mounts the tribune again—calls Robespierre a Cataline, and a Cromwell, and exhibits a poignard with which he came prepared to stab him on the floor of the Convention, if the majority had not the courage to proscribe him; a decree changing the organisation of the national guard, is passed by acclamation; this was the first decisive vote against the tyrant. Tallien returns to the attack, and recapitulates his acts of tyranny, treason, and cowardice—Robespierre losing all his sang froid, interrupts him furiously with "it is false—I—" and is himself interrupted, and his voice drowned amidst cries and murmurs. He feels at last, that his

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spell is broken—looks for a moment imploringly towards the staunchest Jacobins; they turn away their heads, or remain unmoved; his eyes then wander round the assembly, not knowing where to fix—" to you," said he, " men who are " pure, I address myself, and not to the brigands—" and his voice was drowned again by an explosion of murmurs; the noise subsides, and Robespierre resumes, " for the last time, " president of assassins, will you give me a hearing?" No, no, from every side, and the tumult re-commences. Robespierre exhausts himself with vain efforts; he appears convulsed and choaking, " Ha!" exclaims a Dantonist, " the blood of " Danton sticks in thy throat!" The final blow struck; a motion is carried for his being taken into custody; his fate seems now decided.

This tremendous conflict between the tyrant and his accomplices, his revolted slaves, the tools of his crimes, is broken in upon for a moment, by an affecting trait of nature; the younger Robespierre identifies himself with his brother, and offers to share his fate; some of the members manifest emotion, but the dastard majority takes him at his word; Robespierre for once gives signs of human affection; he interferes for his brother—is again cried down, and again apostrophises " the president of " assassins," with fury. Robespierre, his brother, St. Just, Couthon and Lebas, are placed in custody at the bar, and escorted thence by gens-d'armes; the Convention adjourns from five to seven. Upon the president's resuming the chair, it is announced that Robespierre and his fellow prisoners had been rescued, and Paris was in a state of insurrection; the Convention shows some firmness in this terrible crisis; " this is the " time to die if necessary, at our post," said the president; " we will! we will!" was echoed from all sides.

Barras, named commandant-general of the armed force, with several members as his adjutants, goes out to meet the conspirators; after an interval of dreadful suspense, the cry of victory reaches the Convention, " the traitor Robespierre is " here," said the president, " you do not wish that he should be " brought in;" a cry of " no! no! the carcass of a tyrant " brings the plague, his place is the place of execution."

Robespierre, who in the attempt to destroy himself by a pistol shot, had only shattered his jaw, and was borne to the

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Convention on a litter, remained some time stretched on a table, and exposed to public view, a hideous spectacle; his face ghastly, and his eye glazed; treated with shocking outrages by members of the Convention, in their dastardly triumph, and by the multitude with reproaches, invectives, and execrations; his countenance expressed something of apathy and disdain. Next day, he was conveyed on a cart, with twenty-two of his accomplices, to the guillotine; the crowd was immense; he seemed to regard their looks of curiosity and cries of hatred and imprecation, with contemptuous pity; St. Just alone showed courage and tranquillity; Robespierre's was the last head that fell, shouts of triumph followed for several minutes.

The character of Robespierre is one of the most remarkable. His devouring ambition is not to be confounded with that of a common usurper aspiring at political tyranny. It was rather that of the founder of a sect, and even a fanatic in his way. He seems to have formed for himself a system out of the boldest or wildest visions of Rousseau—domestic, social, and political. That eloquent theorist had by the fascination of his style, the fervour of his soul, the originality and abstract truth of many of his conceptions, made numerous proselytes in France. Robespierre alone meditated and embodied them into a vast plan of social and civil regeneration, and attempted to carry it into practical effect. He had not a particle of the fervour, eloquence, or enthusiasm of Rousseau. To propagate the new creed by persuasion was therefore not thought of by him; but he had craft, hypocrisy, impenetrable reserve, singleness of purpose, indefatigable perseverance, apathetic cruelty, and accordingly he resolved to effect his vast scheme of reform, by vast relentless devastation. Of Spartan austerity, simplicity, and incorruptibility himself, he thought to Spartanize a civilised and luxurious people, and hoped to overcome the difficulty and reach the goal, by immolating a generation. It is a theory of Montesquieu, that Sylla usurped, proscribed, massacred, without bounds, pity, or remorse, in order, by a cruel lesson of slavery, to bring back the Romans to their pristine austerity and republican love of freedom. Robespierre may have been another Sylla—as ambitious, indefatigable, mysterious, and cruel, falling short of the fortune because he wanted the brilliant endowments, and above all, the personal

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courage of the Roman—and capable, had he succeeded, of astonishing the world by another abdication of supreme, usurped, and atrociously exercised power. It is true, Robespierre could not say, with the Sylla of a modern French play—

" J'ai gouverné sans peur et j'abdique sans crainte."

But if he had less courage to risk the perils of abdication, he had fewer ties to bind him to despotism. Sylla loved renown and pleasure, and was alike gorgeous in his ambition and his dissipation. Robespierre was severe, frugal, passionless —insensible to the pomps, vanities, seductions, and allurements which corrupt or influence the great mass of the world. The traits of the sect were, however, more prominently and favourably pronounced in St. Just. Robespierre shared his principles, his fanaticism even, but wanted the boldness and decision of his spirit, and the firmness of his physical temperament. It seems strange upon a comparison of the two personages, that St. Just should have remained subordinate to Robespierre. But men of capacity and courage are not always conscious of their own value relatively to others who have the advantage of more cunning, and the first start in their common career.

We have given no specimens of the eloquence of the convention. It was a sort of savage declamation, without those touches of nature, bursts of passion, or felicities of imagination, which sometimes escape from the savage of the woods. It was at once pedantic and rude, indigent and pompous—crawling and exaggerated. Danton had a rabble eloquence, the power of which consisted in its unison with the ruffian language and fierce passions of the Jacobin populace, and what somebody called " son style rugissant," his roaring style. The reports drawn up by St. Just, breathe the stern energy of his fanaticism. Robespierre affected logic, analysis and sententious apophthegms, but the efforts of his barren mediocrity, struggling in vain to invent or to rise, render his harangues tiresome to the reader, and his inanimate, embarrassed enunciation, must have rendered them intolerable to the hearers. There was, however, it appears, a demoniac force of expression in his sneer, which inspired fear and horror, and was ominous of death to its object, whether of his own party or of his op-

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ponents. With Robespierre, its chief author and apostle, ended the reign of terror. The tide of devastation ebbed henceforth, leaving behind, for the wonder and instruction of mankind, its high-water mark and the traces of its desolating course.

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Additional Note to Article III.

SINCE the earlier sheets of the present number were struck off, we have been apprised of the certain fact of Count Kolowrat's return to office: and this event has been accompanied by the creation of a council or conference composed of the Arch-Duke Franz Carl, the heir-presumptive, the Arch-Duke Louis, who has discharged most of the duties which fall upon the Emperor personally, since the accession of the present monarch; Prince Metternich and Count Kolowrat himself. This council may, in fact, be regarded as a regency, which will supply, if not conceal, the entire deficiencies of the sovereign; and which will enable us to judge of the real policy henceforward adopted by the heir to the throne. We know that Count Kolowrat's return to office was mainly effected by that Prince, who even condescended to visit the ex-minister on the estate in Bohemia, to which he had retired: and we are inclined to hope that the new arrangement may bring some slight relaxation to the intolerable discipline of the Italian provinces, a more national spirit to the internal government of the Sclavonian populations, and a more awakened attention to the great questions of Russia and the East.

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THE

BRITISH AND FOREIGN REVIEW.

Article I.

Colony of the Cape of Good Hope. Report of the Commissioners of Inquiry upon the Trade, &c., 1829. *Hottentot Population of the Cape of Good Hope*, 1830. *Caffre War, and death of Heintza*, 1836.

The recent war with the nation of the Caffres, and some tragical circumstances which attended it, have brought the colony of the Cape of Good Hope in a very prominent, but not in a very pleasant manner, before the British public. We shall endeavour to give the reader, therefore, a brief view of its extent, resources and present condition. It forms the extremity of the continent of Africa; of that portion of the globe which, from its physical nature, is the least available for human use. It juts out into the Indian ocean up to the 33rd degree of south latitude, scarcely sheltered to the west, by a foot of land, nearer than the continent of America, nor to the east, nearer than that of Australia; while to the south, there is nothing between it and the Pole. So placed, it still deserves its first appellation of The Cape of Storms. Nor, speaking colonially, does an European occupation of nearly two centuries, justify its newer appellation of—Good Hope. The whole territory occupied by Great Britain, extends north, about five degrees, and from east to west about thirteen; and, this being tolerably compact, we have, exclusive of our recent conquest of seven thousand square miles, a superficies of full one hundred and fifty thousand. The number of the popula-

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tion, according to the statement of the Secretary of State, corresponds exactly with the number of square miles; so that there is, in fact, a square mile for every inhabitant; or each family has, for its own use, five square miles of land, such as it is. They have even more; for Cape Town alone contains nearly twenty thousand of the population; so that the rural inhabitants have nearly six square miles, or three thousand seven hundred acres, for every family.

But now to the character of this land, which is so abundant. There are three chains of mountains running east and west, with level plains of more or less elevation between them, or the sea. These plains, or rather table lands, are none of them of considerable or uniform fertility, and the greatest of them, that which lies between the two most northerly chains, containing thirty thousand square miles, is so sterile as to be nearly devoid of vegetation. None of the rivers of South Africa are, to any extent, navigable; and, if navigable within, they are generally inaccessible or difficult of access from without. Along a coast of fifteen hundred miles no good and safe, or at least available harbour has yet been discovered, or is likely to be discovered: some are exposed to the fury of the westerly winds, and some to the fury of the easterly. Both occasionally roll in a tremendous surf, which makes anchorage unsafe, and landing often impracticable. The best port is Saldanha Bay; but the country around is a dreary desert of sand; there is no good water, except "a weak spring, found by boring "through a granite rock*;" and the place is inconveniently situated, even for affording shelter to ships in distress.

Here and there, upon the banks of a river, is to be found a considerable patch of fertile land, which may be described as an islet in a desert of sand, through which deserts, it is difficult to form roads;—which have little communication by water, and but a hazardous one by sea. For the purpose of commerce, communication and civilization, these islets would have been more advantageously circumstanced, had they been divided from each other by leagues of ocean.

The vegetable products of the Cape make a splendid appearance in our hot and green-houses; but, for man or beast,

* Report of Commissioners of Inquiry.

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they are somewhat worthless. "The natural resources upon "which the inhabitants of the colony have to rely," say the Commissioners of Inquiry, "for the support of the stock we "have mentioned, consist of the wild pasturage, extending "over tracts of country by no means fertile. There are few "places in the colony calculated for the production of artifi- "cial grasses, although, with good management, and a com- "mand of water, they are found to resist and survive the long "droughts which are common at the Cape. The natural "grasses abound with deleterious and astringent herbs, the "taint of which is perceivable in the breath and milk of the "cows, and which at certain seasons of the year are destructive "to the cattle. Change of pasturage is found to be the only "remedy for the numerous diseases with which they are "affected, and which are rendered more frequent and destruc- "tive by want of care, and protection from cold and wet wea- "ther. The north-eastern parts of the colony have been "subject to the visitation of locusts, which are equally des- "tructive to artificial, as to natural pasturage."

In the Cape territory there are a few timber trees of tolerable quality; but they are scarce where they grow, and extravagantly high priced where they do not. One opinion is referred to by the Commissioners, which expresses a belief that timber might be more cheaply imported from the Baltic, than produced on the spot. There can, indeed, be little doubt of this, when it is considered that during the Dutch possession, most of the timber used for house building, was imported from the island of Java. A proclamation, published in 1812, by governor Sir John Cradock, now Lord Howden, points at the scarcity of timber, and being at the same time a good sample of British Colonial legislation, we give the purport of it in the words of the Royal Commissioners. It declared, that "Persons of any description, who should be "found in the woods without a licence, would be liable to "apprehension, and confinement on bread and water for six "years." It is clear that the Babes in the Wood themselves, had they fallen into the clutches of this governor, before their obsequies were performed by Robin Red-breast, must have been subjected, for six years, to the diet and imprisonment of a felon, here prescribed.

For the want of wood, there is no compensation in the pre-

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sence of coal or even peat; and it may be added that not one of the useful or precious metals has yet been discovered, or at least worked.

In South Africa four distinct races of men are found;—the Hottentots or Bushmen, which are the same race; the Caffres, a very distinct one; the European race, consisting of Dutch and English colonists or their descendants; and about thirty-six thousand slaves, now apprentices. These consist of natives of Madagascar, or their descendants, and of the natives of the remote eastern Archipelago, or theirs. The latter still speak the most current dialect of the countries they come from, the Malayan.

The Hottentots are a very peculiar race, short, squab, ill-favoured, inferior in strength to Europeans, to most Asiatics, and to all the other African races. The women have a certain *tablier*, and after the birth of the first child, invariably an enormous accumulation of fat from hip to hip. These two particulars distinguish them from every other variety of the human species. Their language is scarcely less remarkable: they have numerous gutteral sounds, produced deep in the throat, and pronounced with a peculiar clack of the tongue, which is quickly struck against, and withdrawn from the teeth or palate: they combine their aspirated gutterals with harsh consonants, and without any intervening vowels, in a manner which Europeans, who compare the sound to the clucking of a turkey, cannot imitate. "They rarely," say the Commissioners, "inhabit the dwelling-house of the farmer, but are "crowded in miserable huts by themselves, where they indulge "in the pernicious and filthy habits of their natural state. "Although capable of bearing the severest privations of food, "and undergoing much bodily fatigue, at the same time they "eat to excess, and are easily tempted and much inclined to "indulge in the use of spirituous liquors. In his natural "disposition, the Hottentot is mild, placable and ingenuous, "hospitable, lavish of his present stores and careless in mak-"ing provision for the future." Such were the primitive natives of the original European colony: they were, in fact, very inoffensive and unwarlike savages, existing in a low stage of the pastoral state,—having flocks and herds, but knowing nothing whatever of agriculture.

The Caffres are a very different race; black instead of

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brown; tall instead of squab; rather well-favoured instead of ill-favoured; and robust instead of feeble. The Caffres have none of the physical peculiarities which we described as belonging to the Hottentot race; neither is there any similar singularity in their language. Compared with the Hottentots, they are a warlike people; and, as usual among persons in their state of society, they are engaged in very frequent, or almost constant warfare among each other; for they are divided into many tribes or nations, as, indeed also are, or rather were, the Hottentots*. Like the Hottentots, the Caffres are a pastoral people, although in a higher stage of that condition of society, with fixed habitations and some knowledge of agriculture, for they grow a considerable quantity of corn, for which the more fertile country they inhabit has superior advantages. Before their acquaintance with Europeans, both races had domesticated the ox and the sheep, but no other animal; unless, perhaps, the Caffres a few goats. They were unacquainted with the horse, the camel and the ass, so long tamed by man in the northern parts of Africa and throughout Asia. The use of a native alphabet is wholly unknown in South Africa; and indeed it may almost be said to every nation of African origin, unless we except Egypt, Abyssinia and the countries bordering on the Mediterranean. Their only weapons are the *ass-agai*, or wooden javelin, and the bow and arrow. They had no knowledge of iron, or any other metal. Although three hundred years have passed away since the two races now described were discovered by Europeans, the use of fire-arms has scarcely yet been introduced among them, or, at least, among those who are independent; a striking proof of the rudeness of their condition, and of the substantially little inter-

* "On the arrival of the commander-in-chief on the Gona," says one of the public dispatches of 1835, "he had found in the surrounding country, a race of "people called Fingoes, the remnant of a tribe (with their descendants), who, "as it appears, had formerly inhabited a district farther eastwards, but had "been since nearly exterminated by Chaka, the Zoulah; and having fled into "Heintza's country for refuge, they were there converted into slaves, and held "in the most degraded state of bondage, the Caffres exercising the power of life "and death over them at will, and without appeal, and regarding them in little "higher estimation than beasts; Heintza himself, in a recent conference, having "said that they were his dogs, and expressed his surprise that he should be for-"bidden to kill them at his pleasure."

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course which has taken place between them and Europeans. "The savages on the Bashee," says Colonel Smith, "are a "most athletic race of men, unaccustomed to the distant "power of fire-arms. The first day they encountered us, "they were really most daring and contemptuous of danger, "but apt scholars; for a few lessons sufficed to show them the "superiority of our arms." These people, who were nearly as ignorant of fire-arms as the Mexicans and Peruvians in the invasions of Cortes and Pizarro, were not a hundred miles distant from the British frontier. Such are the races whom Europeans have dispossessed, or are now dispossessing.

The Europeans, as we have said, consist of the English or Dutch colonists and their descendants. Of the last named, some of those in the rural districts live nearly as much in the pastoral and migratory state as the Caffres themselves; and in point of civilization are to be distinguished from them chiefly by their superior energy. The rest carry on trade or follow agricultural pursuits, under circumstances which, from the description we have given of the country, cannot be supposed very auspicious.

The slaves, as we have already said, exceed thirty-six thousand; a most miraculous increase in this class of the population, which dates about the passing of the Emancipation Act! Their emancipation may be computed to have cost the British nation little less than a million sterling; that is, without calculation of interest, about eight years revenue of the whole colony; and probably a great deal more than the fee simple of the colony is worth altogether.

Let us now take a glance at the industry of the Cape, agricultural and commercial. Europeans have introduced wheat, barley, oats, garden vegetables, &c., all the best fruits of southern Europe, the horse, the ass, the hog, and the ordinary kinds of poultry. Save the ox, the sheep and perhaps the goat, with corn, among the Caffres, southern Africa produced nothing valuable in the animal or vegetable kingdom; and even of these animals and vegetables, it has been necessary to introduce or to attempt to introduce, the superior species of Europe. "The cultivation of wheat at the Cape," say the Commissioners, "is impeded by the want of moisture that is fre-

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" quently experienced during the season in which the land is " under preparation for seed; and also by the effect of blight, " or rust, which, during the last seven years, has, in a greater " or less degree, visited the crops in every district of the " colony." The Commissioners ought to have added, for they have referred to them in another place, the frequent depredations of locusts, especially in the eastern districts. They add, however, that the period of preparing land for seed is a very short one, and the difficulty of doing so great, from the extreme induration of the soil during the long season of drought. The use of manure is impossible or impracticable, because the cattle are, of necessity, pastured upon the wild commons of the country. In the district of the Cape, which is most favourable to the production of wheat, the average produce of an acre is but twelve bushels; that is twelve bushels, when there is neither blight nor locust. This is just one half of the average produce of the soil of England; and, according to Arthur Young, but two-thirds of that of France, under its old and imperfect system of husbandry. Wheat, at the Cape, by the admission of the Commissioners, cannot be produced under five-and-forty shillings per quarter, which is about double its ordinary price in Poland or Prussia, and a third more than its ordinary cost in any corn-importing country in Europe, that has not the misfortune of a Corn Law. The truth is, that the colony of the Cape has been importing, and not exporting corn, since 1819 when a considerable British emigration took place. It imports wheat and rice from Bengal, rice from Java and Madagascar, and flour from the United States. To the evils of soil and climate, have been added the impertinent restraints of legislation. No one could carry on the trade of a baker except a burgher, having a licence, for which he paid yearly, in stamps and fees, nearly five pounds sterling, with a tax of about six shillings on every quarter of wheat which he received from the public granaries; while he gave a bond for 112*l.*, for the due observance of such regulations as *might* be promulgated by their mightinesses the Burgher Senate. For such legislation as this, the son and brother of a Duke, whose family had sent six members to our House of Representatives, was rewarded with 20,000*l.* a-year, of the public money.

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Great expectations were at one time entertained, that, by the possession of Southern Africa, England would, at length, have a great wine growing colony, which it never had before: in short, in the old phrase, it was calculated that we should be independent of France, Germany, Spain and Portugal. The promise was a mockery. One farm of the Cape of Good Hope, of a few acres, Constantia, produces a very exquisite liqueur wine; but such is the caprice of the vine, and the general uncongeniality of the soil and climate, that not another acre of the hundred millions has been made capable of producing a single gallon of tolerable wine of any sort. The brandy is worse in quality than the bad wine, and French and Spanish brandies must be imported for the concoction of Cape wines for the English market. Into that market Cape wine is introduced at half the duty paid on all other wines. Yet all this bolstering will not do, for Englishmen have very wisely no stomach for such a commodity.

Of all the productions of the Cape of Good Hope, horned cattle appear to have succeeded best. "Notwithstanding the "various diseases to which cattle are liable, from the effects "of noxious herbage at certain seasons, the difficulty of ob- "taining water for them in the summer season, and the "depredations of wild animals and of the border tribes, their "number has more than trebled from the year 1806 to 1824. "Of these, the greater part consist of a mixed breed of the "native African cattle and those of Dutch Friesland, "and, in later periods, of the improved Devonshire and "Durham breeds, imported for the government farm at "Groote Post*." This is what might have been expected, in a country of which the native quadrupeds are numerous and various; as the elephant, the rhinoceros, the ox, the buffalo, a great variety of antelopes, giraffes, quaggas, zebras, lions, leopards, wolves and jackalls. If ever the commerce of South Africa becomes of any importance, it must be through the exportation of horns and hides, as is the case with some parts of South America. In 1834, the number of horned cattle in the colony was computed at three hundred and twelve thousand five hundred and sixty-nine.

The Dutch, when they landed at the Cape in 1600, found

* Report of Commissioners of Inquiry.

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the Hottentots possessed of flocks of sheep; although from whence they derived them, it is impossible to say: most probably the race was indigenous; and, from its natural stupidity, the whole number being probably soon appropriated by man, no vestige of the animal in its wild state has been left remaining. This was, indeed, very likely, the process by which the wild sheep disappeared in every other country. The Cape breed is distinguished by an accumulation of fat in the tail; a peculiarity which has a whimsical affinity to that of one half of the owners. This character, however, does not belong exclusively to it, for it is equally to be found in some varieties of the sheep in China, Persia, Tartary, Siberia and northern Africa. The animal is well suited to the vicissitudes of the country; but its long and slender limbs, its small carcass and its fleece more resembling hair than wool, make it a stock of little value. In 1824, the number of sheep at the Cape was two millions one hundred and ninety-two thousand three hundred and two; but in 1834, if the returns can be relied upon, the number, instead of increasing, had decreased to one million nine hundred and nineteen thousand seven hundred and seventy-nine. There are, of these, twenty thousand and upwards of the Spanish and English breeds; yet, among the imports of wool into England that of the Cape scarcely amounts to one hundred thousand pounds weight, of very inferior quality. From Australia, a country not colonised one fourth part of the time, there is imported at least four millions of pounds weight, superior in quality to Spanish wool, better than that of ordinary German wools and little short of Saxon wool, and worth, in the colonial market, more than the whole value of the export produce of the Cape put together. What a difference does not this imply in the productive powers of the two countries, although both be nearly in the same parallels of latitude!

Goats are a stock, from their hardihood, much better suited to the soil and climate of South Africa than sheep, and their number in 1834 appears to have been one million and a quarter. The horses, of which there are seventy thousand, are a mixed breed of those of South America, Java, Persia, Arabia and England. The Cape horses, although not strong,

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have hardy and vigorous constitutions and a capacity to undergo fatigue, upon very slender and indifferent food.

In 1834, the whole exports of the Cape of Good Hope, including re-exportations, amounted to about 370,000*l.*, and the imports to 100,000*l.* beyond this; the difference being made up by bills drawn upon the British treasury for the pay and rations of the troops. The total amount of the revenue of the Cape is 130,000*l.* a-year; but the civil and military expenditure more than double as much. Exclusive of the navy, England makes a yearly expenditure of about 140,000*l.* sterling, for this colony, of far more than questionable utility*.

We shall next view South Africa as a place of emigration. The climate is healthy, and, saving a little too much heat in summer, and some tempestuous weather in winter, it is not disagreeable. It is hardly more distant as a journey than Upper Canada, or the western settlements of the American Union. It is not one half as far away as any of the Australian settlements. It is in the frequented track between India and China on the one side, and Europe and America on the other; and it is at a short and convenient distance from South America. All these advantages are far from having been sufficient to counterbalance its disadvantages, and far fewer emigrants resort to it than to any other of our colonies. In 1820, above a thousand emigrants proceeded to the Cape of Good Hope; but this was because the government paid the expense of their passage; the treasury having, if we remember rightly, expended 80,000*l.* upon this object. Not one half of the number, in any one year, has ever proceeded since; and the average in the fourteen years ending with 1834, scarcely exceeds two hundred; in which most probably are included ordinary passengers, and children returning, after education, to their parents. Let two years be taken as a comparative sample of the emigration to the Cape and other countries.

A. D.	United States of America.	British America.	Australia.	Cape.	Total.
1832.	32,980	66,339	3,792	202	103,313
1833.	29,225	28,809	4,134	517	62,685

* Colonial Expenditure and Revenues; ordered by the House of Commons to be printed, 1836.

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It appears, from this statement, that, in the two years, there emigrated to South Africa scarcely one-eleventh part of the number that emigrated to Australia; while of the whole emigrants not one two hundred and thirtieth part proceeded to the former. This is surely quite conclusive. Of the thousands of emigrants who quit the United Kingdom, a single transport suffices to convey those who select South Africa as their destination.

Independent of the drawbacks arising from soil, climate and physical geography, one of the most striking disadvantages of South Africa, is, that, previous to European conquest, it was already, not indeed peopled, but possessed by other races of men; not by a few mere scattered savage hunters, like the tribes of North America, but by pastoral nations, who had a property in the land, and a property in herds and flocks besides; by men, in fact, who had both moveable and immoveable property, and who set some value upon the arts of peace. Men of this description cannot be either exterminated or expelled from their possessions; nor can they, like a docile and numerous agricultural people, such as the Hindoos, be made useful as mere instruments of taxation. The wonder seems to be, how the Hottentots, a race physically and intellectually inferior to their neighbours, the Caffres, should have escaped extermination, or at least subjugation, on the part of the latter. We believe that the explanation may be found in the migratory habits of the inferior race, in their poverty, in the wide extent of territory possessed by both, and in the inferiority of that possessed by the Hottentots, which made it not worth the while of the superior race to rob them of it. The fact is, that the Caffres did conquer whatever portion of the Hottentot territory, in the neighbourhood of their own, was worth occupying.

The Dutch, almost as soon as they had planted themselves at the Cape, commenced the usual course pursued by European nations under similar circumstances; namely, to defraud the natives in the traffic which was conducted between them,—to use personal violence and insult towards them, and ultimately to dispossess them of their lands. This produced, of course, retaliation; and then expeditions were undertaken by the Dutch boors, with the intention of exterminating the whole

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race of Hottentots and Bushmen. With a view to correct the wandering habits of the Hottentots, they were prohibited by law from changing their place of abode. A proclamation, even of the British government, in 1809, has been construed into a prohibition to any Hottentot to hold lands, while it confers on the civil authority in each district, power to imprison and punish Hottentots at discretion, as if the whole race were but vagabonds, in the land of their inheritance. "Hottentots," says the law, "going about the country, either "in the service of their masters, or on other lawful business, "must be provided with a pass, either of the master under "whom they serve or the magistrate of the district, under "the penalty of being considered and treated as vagabonds; "and that every one is to ask a pass from any Hottentot that "happens to come to his place, and in case of his not being "provided with it, to deliver him up to the *veld-cornet*, *land-*"*rost* or *fiscal*, in order to act, as, after due inquiry, they "should feel it incumbent to do."—"The effect of this law," say the Commissioners, "has placed every Hottentot under "the control of every inhabitant of the colony; and having "been enacted at a period when the demand for free labour "was encouraged by the prohibition to import slaves, the "vigilance of those who were interested in obtaining it was "naturally excited in detaining the Hottentots upon frivolous "pretexts, within the limits of their respective districts." A variety of other regulations were framed apparently for the protection of the Hottentots; but the result has been, in the words of the Commissioners, "that of creating a perpetual "obligation on the Hottentots to enter into service;" that is, to enter into the service of the European colonists. "With "the exception," say the Commissioners, "of the individuals "of the Hottentot class who have served in the Cape corps, "the great majority have remained in a state of servitude to "the white inhabitants of the colony."

Except in Cape Town, the usual rate of wages given to a male Hottentot, exclusive of food, is about forty shillings a-year; and the common reward of females amounts to the small quantity of clothing given to them, with food in both cases. In one district the usual wages consist of an ox, or a cow and calf, worth about thirty or forty shillings, which are allowed to

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graze with the cattle of the farmer,—that is, to graze on the lands which belonged to the ancestors of the man in bondage. The greater the power and civilisation of the parties domineering over this unfortunate race, the greater seems to have been the oppression exercised towards them. They were conquered and expelled from their best lands by the Caffres. They were expelled from the rest of their lands, and hunted down like wild beasts, by the Dutch of the seventeenth and eighteenth centuries; and the English of the eighteenth and nineteenth centuries have reduced them to a condition of virtual slavery, as nearly resembling the condition of the lower domesticated animals as an intellectual being can well be reduced to.

The same warfare, on the part of the Colonists, is now waging against the superior race of the Caffres. For the last five-and-twenty years, the colonists and the Caffres have been carrying on petty hostilities on the northern frontier. The colonists plundered the cattle of the Caffres, and seized upon their lands; and the Caffres retaliated by incursions into the British territory, by the burning of houses, the destruction of corn and the carrying off of flocks and herds. Matters came to a crisis in 1835. The Caffres made an incursion into our territory, in December 1834 and January 1835, in which they are asserted to have carried off a thousand horses, and fifty thousand head of cattle; and the colonial governor, of his own mere motion, declared war against the whole nation. On the authority of the Wesleyan missionaries who had lived among them, his Excellency pronounces the following anathema against his enemy. The methodists, it would appear, from his statement, had never succeeded in making "a lasting salutary impression upon one of the "race;" "they, the methodists," he adds, "not at all inaptly, "compare the Caffres to wolves (which, in truth, they resemble "very much), which if they be caught young, may be "brought (for their own interest and gratification in the "matter), to an appearance of tameness, but which invariably "throw it off, and appear in all their native fierceness of the "woods, as soon as the temptation of blood and ravage, which "never fail to elicit their natural ferocity, presents itself to "their instinctive thirst for it."

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Now, we really cannot help thinking that this is both ferocious and vulgar, and that, in language and sentiment, it is more worthy of a Knight Templar of the twelfth century addressing the Pope, than of a Knight of the Bath, in the nineteenth, addressing a member of the English cabinet. We have no doubt but that Sir Benjamin D'Urban, under ordinary circumstances would prove himself as humane as other English gentlemen; but he lives in a foul atmosphere, is poisoned by it, and in the delirium which is the consequence, speaks and acts like those who surround him. It must be admitted, however, that the Governor has the testimony of the Wesleyan missionaries in his favour; as the following curious sample of Christian meekness, "respectfully presented" to his Excellency, will show.

The Reverend Mr. Shrewsbury, the minister of peace in question, thus tenders his advice to the Governor. "The "chiefs who have invaded the colony to forfeit their "chieftainship; and their people to forfeit their coun- "try, their arms and their property. This end accom- "plished, the righteousness of British law, and the equity of "British judges, may decide the rest. Deserters from the "British government who may have taught the Caffres the "use of arms, to be punished with rigour. The actual "murderers of British subjects to be everywhere demanded, "and when obtained, executed on the spot; that the Caffres "may see that murder with Britons is an unpardonable crime. "Every chieftain to be informed that if he substitute innocent "persons for the really guilty, the chieftain himself will "forfeit his own life, as being himself the friend of murderers, "and the cause of the shedding of innocent blood, under the "colour of law and justice. The chiefs who profess friend- "ship towards the colony to be informed that, if they allow "our enemies shelter in their territory, or connive at the con- "cealment of colonial cattle or property, they will at once be "considered as enemies, and dealt with accordingly. In con- "ducting the war, the advice of the Dutch, and of well- "informed British civilian settlers, will be of great advantage, "and superior to a strict observance of military tactics, as "observed in European warfare. In thickets and ravines "caution must be used to avoid falling into ambuscades, &c.

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" Calculating on the ultimate success of our arms, since ours " is the righteous cause, on the termination of the war, the " neutral country to be occupied by the British, to prevent " the Caffres from lurking in the Fish River Bush. Caffre " offenders whose lives may be spared, to be employed in " making high roads in every part of Caffreland; if necessary, " even to Natal: their labour as convicts being a visible proof " of the punishments mercifully inflicted on those who might " have lost their lives, &c. An universal registration of " Caffres to be effected; every man wearing on his neck a " thin plate of tin, containing his name, and the name of his " chief, which will be to him a passport of peace, and the " absence of it a token of enmity. This will both serve to " identify offenders, and enable the British government at " once to know the number and strength of the frontier tribes. " British agents to reside in Caffreland to carry this registra- " tion into effect, and otherwise subserve the great principles " of justice and mercy, which benefit all people who are " indirectly controlled by the government and laws of " Britain."

The project of this man of peace amounts simply to this, that the hostile chiefs should forfeit their rank,—that the people should forfeit their personal property and lose their lands, and that such of them as escaped the sword of the invader, should, as convicts wearing badges, be condemned to hard labour in making public roads, (in chains of course), that is, on roads extending over an area of some fifty thousand square miles. This is at least equal to the Russian capture and sack of a Polish town,—in the name of the most Holy Trinity.

Mr. Shrewsbury, however, is not singular: there is another " gentle shepherd," one Boyce, of the same persuasion, who, with some mitigating circumstances, however, expresses a very unfavourable opinion of the Caffres; the obvious tendency of which is, to encourage the levying of war upon them. " A " few tourists," says he, " who have spent a few days among " the Caffres near the colony, and have been pleased with " the safety and good-natured reception experienced while " travelling, have hastily taken up opinions, by far too " favourable, as to the native character. In describing them

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" as a noble-minded and strictly just people, they evince their " ignorance of human nature; especially, when in a semi-barba- " rous state. The other party, anxious to depreciate the native " character, represents the Caffres as a nation only to be govern- " ed by *commandoes*, and as quite impervious to reason. The " fact is, that the Caffres are, like all other men, governed by " their sense of the best method of serving their own interests. " A Caffre chief knows of no restraint upon his desire for the " property of his neighbours, except that which the want of " power to seize and retain imposes upon him. He is restrained " from plundering the colonists only by a fear of the conse- " quences. This is the dark side of his character; but, then, " he has sense enough to understand his true interests, or, " if the chief has not this sense, his influential men have. " If the colonial government, by the prompt and severe " punishment of the few occasional aggressions upon the pro- " perty of the colonists, which will occur so long as human " nature remains the same, convinces the Caffre chiefs that " nothing is to be gained by violence or cunning; and, at " the same time, by a strict regard to justice in all its dealings " with them, convinces them that much may be gained by " orderly and honest conduct; there can be no doubt but " that the Caffres will soon become most valuable neighbours " to the colonists. The moral influence of one just, prompt " and severe infliction of punishment upon guilty indivi- " duals, can only be estimated by those who have resided in " Caffreland. Persons unacquainted with Caffres are apt to " think that trifling thefts, or minor cases of oppression of " traders should be overlooked, forgetting that, in most " instances, these trifling thefts or insults are mere experi- " ments which the sagacious Caffre is making upon the " forbearance of the colonists, to judge how far he may go " without risk of punishment. This mistaken lenity to the " Caffres is the greatest cruelty, as it encourages theft and " aggression upon the peace and safety of the colony, which, " if persisted in, will provoke severe and exemplary punish- " ments, and, eventually, bring on the Caffre tribes the usual " fate of all savage nations bordering on European settlements. " Whatever treaties the colonial government may enter into " with the Caffre chiefs, the necessity of a respectable military

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" force on the frontier will remain the same, until some de-
" cided change takes place in the habits and feelings of the
" frontier tribes. If, from any reliance on the schemes of
" benevolent speculative men, some of whom never saw a
" Caffre, or if, from any expectations of economising the
" colonial expenditure, the colonial government should make
" a serious reduction in the military force on the frontier,
" the consequences would be disastrous both to the Caffres
" and Europeans."—The Governor's opinions, indeed, ap-
pear to have been supported by the whole body of the Wesleyan missionaries, seven in number, who pronounce an unqualified condemnation of the Caffres; although, indeed, not with the same indiscretion as Mr. Shrewsbury, for that could not easily be equalled. The latter gentleman has attempted an explanation, which appears, to our judgment, to leave the offence just as it was, with the aggravation of the attempt to justify it.

All missionaries, however, have not the same love of despotical measures as the Wesleyans. The Baptist and Independent missionaries take a very different view of the question; and it was not without cause that the Governor, in one of his despatches to the Secretary of State, expressed his fears that they would give the people of England an unfavourable view of his opinions and measures. " I have," says the Secretary of State, " before me, the conclusive proof that the missionaries
" of the London and Glasgow societies, instead of regarding
" the invasion (of the Caffres) as a wanton and unprovoked
" act, considered it as a natural re-action on the part of the
" Caffres, against a series of extreme and intolerable oppres-
" sions. So far are they from thinking the sword the only
" remedy, that on the contrary, they insist, even with impor-
" tunity, on the certain efficacy of other methods, of which
" kindness, conciliation and justice, should form the basis."—
" I am further constrained," adds Lord Glenelg, " to record
" my dissent from the unfavourable estimate which you have
" formed of the Caffre character. Referring to the great mass
" of evidence which it has been my duty to examine, I find it
" replete with proofs of a directly opposite tendency. I learn
" that amongst this proscribed race, Christian missionaries
" have passed many years respected, honoured and secure.

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" It is placed beyond dispute, that at the very moment when " the countrymen of those missionaries were harassing " Caffreland with incessant patroles and *commandoes*, the " teachers of religion, relying implicitly on the honour and " good faith of the tribes, continued to receive kindness and " protection. In the midst of all the calamities incident to " their situation in our immediate neighbourhood, the Caffres, " under the guidance of their Christian ministers, have built " places of worship,—have formed various congregations of " proselytes, or of learners—have erected school-houses and " sent their children thither for instruction. In the meanwhile " no inconsiderable advance has been made in agriculture and " in commerce. A trade variously estimated, but not " amounting to less than 30,000*l.* per annum, in the purchase " of European commodities, had been established on the fron- " tiers, and as many as 200 British traders were living far " beyond the boundaries of the colony, protected only by the " integrity and humanity of the uncivilized natives.—To such " a people, the character of 'irreclaimable savages,' (the Governor in one of his despatches had used this expression) " cannot, with justice, be assigned*."

The war, however, is undertaken, and the Governor, in person, invades the territory of the "irreclaimable savages," with an army of five thousand men; that is, with an army far more efficient, and nearly twice as numerous as that with which Clive opposed a native army of seventy thousand men, and conquered Bengal with its twenty millions of inhabitants;—and ten times as numerous, and more than ten times as efficient, as that with which Cortes conquered the Mexican empire. " The only " opposition which you encountered," says the Secretary of State to the Governor, " was from disorganized bodies of men, " skulking in their natural fastnesses; and after a campaign " of nearly three months continuance, your loss in killed and " wounded amounted only to eighteen men."

Not so the loss of the Caffres. Lord Glenelg gives the following sample from the despatch of Colonel Smith, the hero of the campaign, a brave soldier, very unworthily employed, and

* In justice to the Wesleyan missionary society in England, we must observe that their brethren in London have recorded " their most entire and unquali- " fied disapprobation of the step unhappily taken by Mr. Shrewsbury."

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thoroughly imbued with all the prejudices of the dominant class. "The enemy, although his traces were numerous, fled so rapidly, "that few were killed, and only three shots were fired at the "troops. The whole of the country has been most thoroughly "traversed; upwards of 1200 huts, new and old, have been "burnt; immense stores of corn in every direction destroyed; "215 head of cattle of all sorts captured; several horses and "nearly 2000 goats have fallen into our hands. The women "were very numerous; and I therefore caused them to be "amply supplied with beef and biscuit, and dismissed them, "with the assurance that the atrocities of their husbands had "made them forfeit their homes, and that they must move "over the Kye. They all stated that they were anxious to "do so. It is most gratifying to know, that the savages, "being the unprovoked aggressors, have brought down all "the misery with which they are now visited, upon the heads "of themselves and their families; and that the great day of "retribution, and the punishment of the unprovoked atroci- "ties committed by these murderous savages on our colonists, "had arrived."

"From the aforesaid country," says Sir Benjamin D'Urban, (after describing the conquered territory as "very beautiful, "abundantly watered and fertile, and containing more "than seven thousand square miles,")—"which they have "lost by the operations of the war which they had so "wantonly provoked, and which they have justly forfeited, the "above-mentioned chiefs, namely, Tyali, Macomo, Eno, "Botma, T'Slambie, Dushani, &c., with their tribes, are for "ever expelled, and will be treated as enemies if they are "found therein. God save the King."

The Governor, in one of his despatches, enumerating the losses sustained by the Caffres, states that four thousand of their warriors fell, while our whole loss was but a hundred men, including two officers. "There have been taken from them," also, adds he, "besides the conquest and alienation of their "country, about sixty thousand head of cattle, almost all "their goats, their habitations every where destroyed, and "their gardens and corn fields laid waste. They have been "therefore chastised, not extremely, but perhaps sufficiently." "With the blessing of Providence," adds the Governor,

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"the salutary recollection of this infliction will for a long time "prevent the colony from being again disturbed." For our own parts we should be disposed to think, that this would not be the result; but that on the contrary, the sure consequence would be, to make every Caffre a negro Hannibal, swearing eternal hatred against the English name.

We must beg here to correct one part of the Governor's statement, that which relates to the quantity of cattle captured from the Caffres. From the 1st to the 12th of April, it appears that there were captured in one quarter 15,000 head of cattle. About the 10th of April, Colonel Somerset took 3000 head. We have then a capture by Colonel Smith of from 9000 to 10,000 head. From the 25th to the 28th of April, Colonel Smith captured from 9000 to 10,000 head of "beautiful cattle," in the country of Heintza. In another place, Captain Warden takes 4000 head of cattle. In a third situation, Major Cox takes 5000 head. Then the Fingo nation is taken under our protection, who take away 22,200 head of cattle, which must have belonged to the Caffres, as they are represented to have been in a state of complete slavery, their masters exercising the power of life and death over them. On the 18th of May, Colonel Smith captures 3000 head of "fine cattle." In June, Colonel Smith again captures 1000 head,—quality not mentioned. In the same month, in another quarter, 1800 head; and again in July, 5000 head are captured. We have here then near eighty thousand head of cattle; to say nothing of the demand of fifty thousand head and a thousand horses, made upon Heintza, of the amount of which delivered in, we have no evidence. Then come—"all the goats." We put it to the impartiality of the public, whether this does not look more like *cattle lifting* or the *levy of black mail*, than regular warfare.

The most pathetic part of the story is yet to be told. Heintza, the principal chief of the Caffre nation, had voluntarily placed himself as a hostage for the fulfilment of a treaty of peace in which he agreed to pay fifty thousand head of cattle and a thousand horses, in the hands of the English. The tragedy of his death is told by Colonel Smith, in graphic language that will be long remembered. "I was directed," says Colonel Smith, "to view the chief (accompanied by

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" Mutini, his great councillor, two other councillors and one " servant) as a hostage, but to treat him with the greatest " respect and kindness, an injunction scarcely necessary, as " the chief had lived at my table for nine days, had been " loaded with presents of every description, calling himself " my son, and saying that he should ever remember my " kindness to him with gratitude. The chief invariably rode " with me, although under charge of the corps of guides, with " every mark of confidence and satisfaction; and upon our " ascending the mountain from the Kye, he requested through " the interpreter, to know in what position he stood, both as " regarded himself and his subjects. My answer was distinct " and definite: ' Heintza, you have lived with me nine days; " you call yourself my son, and you say you are sensible of " my kindness; now I am responsible to my King and my " Governor for your safe custody; clearly understand, you " have requested that the troops under my command should " accompany you, to enable you to fulfil the treaty of peace " you have entered into with His Excellency. You have " voluntarily placed yourself in our hands as a hostage; you " are, however, to look upon me as having full power over " you; and if you attempt to escape, you will assuredly be " shot. I consider my nation at peace with your's, and I " will not molest your subjects, provided they are peaceable; " when they bring in the cattle according to your commands, " I will select the bullocks, and return the cows and calves " to them.' An arrangement with which he appeared most " fully satisfied, and said, ' that he came to fulfil the treaty of " peace, and with no intention of making his escape, which " his having left his son in our hands must prove.' I said, " ' Very well, Heintza, act up to this, and I am your friend; " again I tell you, if you attempt to escape, you will be " shot.'

" The troops under my command reached a streamlet " running into the Gona, about four miles on this side of " Butterworth, at half-past four o'clock in the afternoon. One " of the corps of guides reported to me that two Caffres with " five head of cattle were near the camp, and that Heintza " said, ' as they were afraid to approach, he had sent one of " his people to bring them.' In place of the Caffres coming

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" into the camp, they went away, and I afterwards ascertained " that Heintza had sent with them a horse, to which procedure " he would give no answer. I begged to know, where it was " he wished I should conduct him: the only answer I could " procure was, ' you are going right.' At seven o'clock, " on the 11th instant, I marched and continued my route, " passing the Guadan Hills, until half-past five o'clock in the " evening, and bivouacked on a tributary streamlet of the " Guanga. I again requested Heintza to state where it was " he wished to go: he, this evening, was rather communi- " cative, and said, ' Take a direction towards the mouth of " the Bashee, by a route which I will point out, and march " at 12 o'clock.' It was evident that the cattle from all the " kraals in the neighbourhood had been driven in the direc- " tion he pointed out, and I readily acquiesced in his desire, " and at 12 o'clock at night I again marched, and continued " to do so until eight o'clock the next morning.

" The spoor or track of the cattle was recent and numerous, " but the troops having been marching eight hours, I was " compelled to halt and cook, on a streamlet running into the " Guada. At breakfast, the chief appeared particularly uneasy, " and said, ' What have the cattle done, that you want them, " or why must I see my subjects deprived of them?' I ex- " plained to him, ' that he knew why, far better than I did; " and that seven thousand of my countrymen were in a state " of absolute want, from the atrocities of his nation.' At " ten o'clock, leaving my waggon at this bivouac, and all the " foot-sore and weary men, about sixty, under charge of Ensign " Lowen of the 1st Provincial Battalion, I again marched; " the chief appeared in high spirits, was most volatile, and, in " about three miles, he said, ' You see how my subjects treat " me; they drive their cattle from me, in spite of me.' " ' Heintza,' I said, ' I do not want your subjects' cattle; I " am sent for the colonial cattle, which have been stolen, " and which I will have.' He said, ' Then allow me to send " Mutini, my principal councillor, forward, to tell my people " I am here, that they must not drive their cattle, that the " cattle of your nation will be alone selected.' I had no " objection to this arrangement, as it was a chance in my " favour, although I could already observe, that he was

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" meditating mischief. I told Mutini, 'Mind, now, you " 'come back to me to-night.' 'Depend upon it,' he said. " I allowed him and Heintza's servant to depart, which they " did at full speed. Heintza was enraptured, and said, " 'Now we need not go to the Bashee; you will have more " cattle than you can drive, on the Kebaka.'

" Upon our approach to the Kebaka, it was evident that the " great spoor of the cattle divided, one track going to our left, " up a stupendous mountain, the other to the right, up a very " high, abrupt, steep and wooded hill, upon the banks of the " Kebaka, below which its bed is rugged, precipitous and " covered with brush-wood. Heintza said, 'We must go to " the right, the cattle of the mountains is lost to us.' It " had been observed that this day Heintza rode a remarkably " fine horse, and that he led him up every ascent; the path " up this abrupt and wooded hill, above described, is by a " narrow cattle track, occasionally passing through a cleft of " the rock. I was riding alone at the head of the column, " and having directed the cavalry to lead their horses, I was " some three or four horses' length in front of every one, having " previously observed Heintza and his remaining two followers " leading their horses behind me, the corps of guides close to " them; when nearing the top, I heard a cry of 'Heintza;' " and in a moment he dashed past me, through the bushes, " but was obliged, from the trees, to descend again into the " path. I cried out, 'Heintza, stop.' I drew a pistol, and " presenting it at him, cried out, 'Heintza,' and I also " reprimanded his guard, who instantly came up; he stopped " and smiled, and I was ashamed of my suspicion.

" Upon nearing the top of this steep ascent, the country was " perfectly open, and a considerable tongue of land running " parallel with the rugged bed of the Kebaka, upon a gradual " descent of about two miles, to a turn of the river, where " were several Caffre huts. I was looking back to observe " the march of the troops, when I heard a cry of 'Look, " Colonel!' I saw Heintza had set off at full speed, and was " thirty yards ahead of every one; I spurred my horse with " violence, and coming close up with him, called to him; " he urged his horse the more, which could beat mine; I " drew a pistol, it snapped; I drew another, it also snapped;

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" I then was some time galloping after him, when I spurred " my horse alongside of him, and struck him on the head with " the butt-end of a pistol; he redoubled his efforts to escape, " and his horse was three lengths ahead of mine. I had " dropped one pistol, I threw the other after him, and struck " him again on the head.

" Having thus raced about a mile, we were within " half-a-mile of the Caffre huts; I found my horse was " closing with him; I had no means whatever of assailing " him, while he was provided with his assagais; I there- " fore resolved to attempt to pull him off his horse, and " I seized the athletic chief by the throat, and twisting my " hand in his karop, I dragged him from his seat, and hurled " him to the earth; he instantly sprung on his legs, and sent " an assagai at me, running off towards the rugged bed of the " Kebaka. My horse was most unruly, and I could not pull " him up, till I reached the Caffre huts. This unhorsing the " chief, and his waiting to throw an assagai at me, brought " Mr. George Southey, of the corps of guides up; and, at " about 200 yards' distance, he twice called to Heintza, in " Caffre, to stop, or he would shoot him. He ran on; Mr. " Southey fired, and only slightly struck him in the leg, " again calling to him to stop, without effect; he fired, and " shot him through the back; he fell headlong forwards, but " springing up and running forwards, closely pursued by my " aide-de-camp, Lieutenant Balfour, he precipitated himself " down a kloof into the Kebaka, and posting himself in a " narrow niche of the rock, defied any attempt to secure him; " when, still refusing to surrender, and raising an assagai, " Mr. George Southey fired, and shot him through the head.

" Thus terminated the career of the chief Heintza, whose " treachery, perfidy and want of faith, made him worthy of " the nation of atrocious and indomitable savages, over whom " he was the acknowledged chieftain. One of his followers " escaped, the other was shot from an eminence. About " half-a-mile off, I observed the villain Mutini and Heintza's " servant looking on."

With respect to the unhappy chieftain, whose tragical end is thus described, the Secretary of State observes,—" Neutrality " was the wise and justifiable policy of Heintza; nor can I per-

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" ceive why he should have been censured for pursuing it."—"I " will not pause," says he, " to inquire whether Heintza was " justly detained in your camp as a prisoner, or whether he was " really liable to pay with his life the penalty of attempting to " escape from the detachment which accompanied him. All " this being conceded, there yet remains the question, not " hitherto solved, nor, as far as I can perceive, even discussed. " He was slain when he had no longer the means of resistance, " but covered with wounds, and vainly attempting to conceal " his person in the water, into which he had plunged as a " refuge from his pursuers. Why the last wound was in- " flicted, and why this unhappy man, regarded with an " attachment almost idolatrous by his people, was not seized " by the numerous armed men who had reached his place of " concealment, has never yet been explained. The case " assumes a peculiar importance, from the circumstance that " Mr. Southey, who gave the death wound, appears to have " been subsequently twice commended in general orders, " though not, indeed, with any express reference to his con- " duct in this affair. It is said that Heintza refused to sur- " render. But if the fact be so, of what importance was the " refusal of a wounded, helpless, isolated man? It is stated " to me, however, on evidence which it is impossible to receive " without serious attention, that Heintza repeatedly cried out " for mercy; that the Hottentots present granted the boon, " and abstained from killing him; that this office was then " undertaken by Mr. Southey; and that then the dead body " of the fallen chief was basely and inhumanly mutilated. I " express no opinion upon this subject, but advert to it, be- " cause the honour of the British name demands that the case " should undergo a full investigation, which it is my purpose " to institute."

The Secretary of State declares, that the newly acquired territory " rests upon a conquest resulting from a war in " which, as far as he is at present enabled to judge, the origi- " nal justice is on the side of the conquered, not of the " victorious party." He directs, therefore, that the province which is honoured with the gentle name of a British Queen,—the seven thousand square miles of " very beautiful and " abundantly watered territory," should be forthwith relin-

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quished; that the extension of dominion in Southern Africa should be diligently and anxiously avoided; that hostilities with the native tribes in our vicinity, to be deprecated at all times, should be confined to such as are inevitable for the protection of the colonists; and that, in lieu thereof, an experiment should be made of "the efficacy of a systematic and "persevering adherence to justice, conciliation, forbearance "and the honest arts by which civilization may be advanced."

This is all very just, and very humane upon the part of Lord Glenelg; but will the peremptory instructions of the cabinet—of a cabinet seven thousand miles off, be efficacious? We are clearly of opinion that it will not. In Southern Africa we are in a false, and very unhappy position, morally, politically and geographically; and it is wholly impracticable for us to withdraw from it. One of the most civilized and powerful nations of the European race is thinly scattered over a territory of one hundred and fifty thousand square miles, with a frontier line of at least fifteen hundred, exposed to the attacks of rude, but somewhat warlike tribes of the African race. The mere difference in the state of civilization of the two parties constitutes them, if not natural, at least inevitable enemies. If there were no difference in their states of civilization, the difference in the colour of their skins and in the form of their features, would alone be quite sufficient to set them by the ears. The stronger race is certain to treat the weaker with contempt and injustice; and the weaker is quite certain to inflict an insidious and ferocious retaliation. What is Downing-street to them, or they to Downing-street? The semi-barbarians of Africa will be chased by the Europeans from their dwellings and lands; and when the boundless extent of Africa is considered, it is impossible to foresee to what degree the mischief may extend. Orders from home may temporarily arrest the evil; but when we hesitate to advance or to punish, the semi-barbarian in his ignorance will construe our conduct into pusillanimity or weakness. War will be the sure consequence; and then a campaign of a few months will make up, ruthlessly, for our procrastination.

This has been the history, in all ages and countries, of the intercourse between powerful and civilized nations, when brought into collision with feeble barbarians; and there

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is nothing in the circumstances of Southern Africa to warrant us in hoping for any other conclusion. On the contrary, there is something peculiarly unpropitious in the circumstances of our position. The frontier is extensive beyond example, and also, exposed beyond example; for there is not a trace of natural boundary, in the shape of sea, lake, river, forest or mountain; while at the same time a large portion of the territory occupied by the feebler race is greatly superior in fertility to that occupied by the stronger—an ever-active temptation to hostilities on the part of the latter. We should have been happy to have pointed out a remedy for this mighty evil; but we are bound to confess we cannot see our way to it. A Committee of the House of Commons is now sitting to inquire into the subject, and we are very curious to know the result of their deliberations, and the means they will suggest for extricating us from a very unpleasant dilemma.

Article II.

Impressions of England. By Count Edouard de Melfort. London: 1836.

Diary of a Désennuyée. London: 1836.

Recollections of an Artillery Officer, including Scenes and Adventures in Ireland, America, Flanders and France. By Benson Earle Hill. London: 1836.

Adventures in the North of Europe, illustrative of the Poetry and Philosophy of Travel. By Edward Wilson Landor. London: 1836.

A very ingenious and entertaining work was published some years ago, called "Heraldic Anomalies." Why has not the notion on which it was founded been carried further? The anomalies of literature, and more particularly of English literature, would furnish materials quite as amusing. The swarm of works which has rushed from the London press

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within the last twenty years, has contained more absolutely false titles than ever issued from the Herald's office, more unredeemed pledges than load the shelves of the *Mont de Piété*. Nothing is now more common, than a book at variance with its object, in opposition with its name, and every page of which contradicts its title page. We have historic tales which gainsay history; fashionable novels, the very antithesis of fashion; tragedies which make us laugh, and comedies which make us sad; adventures with nothing adventurous in them; poems without poetry; treatises which are no treat to us; and tracts which are most unattractive. Such are the principal species forming the genus *light literature*—a flagrant, though perhaps unavoidable, misnomer; for nothing can be more heavy and stolid than by far the larger portion of matter of which it is composed. It is like that dish of English gastronomical incongruity facetiously designated trifle, in which a little froth covers a mass of unbuoyant mixtures that almost defy digestion.

What is here said, must not be supposed as meant for a sweeping denunciation against our living literature, a wholesale disparagement of the publishing lists attached to every number of our own journal. Each season gives evidence of a brilliant fund of talent in the country, but the dross is of course proportioned to the ore. With very much that is bad there is a little that is excellent, and which if taken separately would gratify all tastes, and (as old Burton has it), "cor-"roborate all constitutions." But in taking this wholesale view of the question, we speak indeed more in warning than reproach; and admitting the difficulty of a generic name, quadrate to a multitude of contradictions, we would only notify to those who sit down to the intellectual feast, that what it is composed of is at variance with what it promises. *Esse quam videri*, if applied to it as a motto, would be quite in keeping with its innate "anomalies," for it is *not* what it seems to be. But, taking it as it is, for better, for worse, we have dipped at random into the dish, and, without going very deep, have found, we think, a fair specimen of its staple combinations, which we shall presently lay before our readers.

But first we are tempted to glance at the causes, and to trace the progress of the taste, good or bad, which has pro-

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duced such a quantity of works, of which those now lying upon our table may be considered as sufficient exemplars; and, in venturing on this task, we must only stop one instant, to say that we altogether renounce that "cant of criticism," which too often holds forth in mock heroic dignity, on matters worthy to be treated in the homely vigour of plain speaking. Nothing would be easier than to weave a tissue of this literary diplomacy, and to launch into vague abstractions, in the treatment of the subject now under consideration. Abstruse disquisition—or what passes for it—is not so laborious as is generally supposed, from the jargon of sounding sentences which tickle the palates of those superfine readers, who relish nothing but the subterfuges of an artificial style. We fear it will sound very meagre to those who look for "metaphysical "aid," in the solution of small matters of fact, or who require rhetorical subtleties on common effects from ordinary causes, if we attribute the excessive overflow of our light (which must not be confounded with the general designation of *polite*) literature—and which, be it remarked, we are neither angry nor sorry for—to so ignoble an origin as the speculative cupidity of a single bookseller. Even the most exigent will however be no doubt reconciled to this, when we call to their recollection that all the bad taste, extravagance and immorality which deluged Athenian society, under the sway of the Sophists, sprang from the sordid activity of a poor faggot maker, who having attracted attention by his cleverness in tying up sticks, was led (and with baneful success) to attempt the perversion of sound philosophy. So did the skill of our modern Protagoras, in tacking together some flimsy volumes, catch the public patronage, and lead him to his bold experiments on the purity of literature.

It may be objected, even by those who admit of our solution, that the individual in question only took advantage of the public taste to his own profit, and that we are, in fact, mistaking a symptom for the disease. To this we would reply, there was no disease till the quack appeared; and that it was the false stimulants forced upon the public, which turned a wholesome appetite into excess.

The impulse given to European literature by the powerful writings of the French encyclopædists at the close of the last

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century, found its thorough development in England, only in the commencement of the present. It was then that the general principles of the new philosophy becoming understood in this country, they were adopted or combated with a vigour and sincerity which elicited all the resources of the national mind; and the whole body of our literature was animated by a buoyant spirit of originality and boldness of thought. When men learned to think for themselves, no obstacles could prevent their conceptions from rushing into new and rapid channels. No longer dammed-up by antiquated forms and conventional restrictions, talent gave loose to its enfranchised powers; and, though it ran riot at times, it was still *itself*, inventive, vigorous, original. It had not yet appeared in masquerade, nor had a spurious counterfeit been foisted on the world as its legitimate offspring. We now speak of the days when Coleridge, Southey, Wordsworth, Scott, Moore and Byron, gave poetry new charms; when "The Author of Waverly," following fast on the powerful fictions of Godwin, and the living pictures of Miss Edgeworth, sent romance abroad in a shape unimagined before; and when the two great reviews poured forth their quarterly streams of learning, wit and eloquence—mixed up, as they no doubt were, with political prejudices and party views in all their antagonist forms.

The general peace, on the overthrow of Napoleon, opened the whole continent to English observation. Crowds rushed abroad, and many, it must be admitted, came back not much wiser than they went away; but a few gleaned richly in the field of foreign experience, and the spirit of travel was embodied in books. It was at this epoch of universal awakening, that the thirst of knowledge created for itself a thousand springs, and the droughty public found many a well, where their ancestors knew nothing but a barren desert. Flushed with the political triumph so gloriously gained over its great enemy, the nation gave a wide expansion to every new impulse. The sordid schemes and narrowed notions, inherent in a war system, were succeeded by more intellectual pursuits. The wealth and the prejudices hoarded up for a quarter of a century were scattered abroad together; the money spent in travel was amply repaid in knowledge, and the

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prejudices dealt out on foreign account were involuntarily replaced by juster feelings on home affairs. Taste acquired new developments: the finest objects of art, which are public property in other countries, being seen by myriads of travellers, became, at least, matter of inquiry and comparison in our own. Every thing towards which intellect could turn its energies, called for new organs of expression, and the imperfect ideas of the multitude imperiously demanded classification. The vague visions of the public mind required and found a variety of expounders. Periodical literature, springing up as it were spontaneously at the common call, spread from its two great original stems, in off-shoots of immense fertility; they were amply supplied with nourishment. Poetry was in its prime: Romance in its palmy state. The Drama was grandly sustained—the Kembles, Kean, Young, Macready, Miss O'Neill, and a host of comic actors of first-rate merit, every day calling forth the energies of writers of no common powers. Talent, in all its enterprising varieties, aroused, delighted and at times perhaps startled, the reading world. Nature was shown forth in a thousand fantastic but fascinating shapes, and stores of intellectual wealth were expended to the public benefit. The true charms of poetry, sound notions of prose and just principles of general criticism, were taught on easy terms to a whole generation. The reading youth grew up in every-day familiarity with the best examples of a liberal literature; and the natural consequence was the appearance of several new writers in its various branches, with unshackled minds and intrepid pens. There was scarcely a shape into which thought could turn, that was not soon exhibited; but while a few succeeded in giving a graceful and a natural bent to their gifts or their acquirements, literary posture-masters were of course to be found, showing mental agility in a variety of monstrous contortions.

The crisis had arrived; and then it was that a judicious and elevated patronage might have raised English literature to a noble height. All the elements existed for a grand structure, of temple-like proportions, and of the finest order of intellectual architecture. But to accomplish an imperishable monument like this—to choose among the materials those which were fitting, and to reject the excrescences of bad taste—the

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fostering authority of some great despotism is required. It is a melancholy truth, that what the absolute will of an individual sovereign has so often had power to effect, may not be done by the desultory and capricious encouragement of the most enlightened and the freest people in the world. Whether it be an evil or an advantage, we shall not now stop to inquire; but it is quite true that popular governments are not those under which a standard of literature is to be fixed; the authority of some tribunal, the protection of some monarch, is positively required. Augustus stamped his name upon an age. Louis XIV. had his *siècle*. Elizabeth her's. Lorenzo and Leo are each identified with a great era of their country's celebrity. But subserviency to individual protection, or to the influence of an academy or a court, is incompatible with the freedom of constitutional forms, under which every effort of genius takes it own direction, when public taste if left untrammelled, is also left unguarded against the chances of deterioration from abounding abuses. A system of accomplished literature is not to be found in countries of the greatest freedom. Athens was by no means such, in comparison with the other republics of Greece. Florence was not exclusively so, in the Italian states of the middle ages. Switzerland can advance small claims to literary fame. Germany has produced a noble literature, while far from being free. America has had half-a-century of unbounded liberty, but she has not brought forth half-a-dozen original classical writers. And certainly neither England, France, nor Spain, can point to their days of greatest freedom, as those which have furnished standard models of literary composition. The independence of opinion concomitant with political freedom, spurns the constraint of authority in mere matters of taste. It will not submit to be weighed or measured by a regulated scale. The severer works of history and philosophical research, may intuitively adopt the precedents of established reputation; but he who would cull a garland in the wide field of an unchecked and liberal literature, must be satisfied to seek the flowers in a super-abundant accompaniment of weeds.

It is a sad admission, but in fairly treating the subject it must be made, that the only patronage existing for literature in England on a broad and available scale, is the patronage of

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the booksellers; and as a matter of course, their influence over it, for good or evil, must be considerable. The government, under the prevailing practice, could not probably effect much, and therefore it attempts little or nothing beyond a niggard, and it may be a sometimes misplaced relief, under the form of a pension or a trifling place; and even this is too often granted only when the object of royal or ministerial bounty is prematurely worn out by over exertion, or the agitation of spirit consequent on a struggle against the manifold trials of a literary career.

Among all the ameliorations which have latterly been carried into effect in the interest of almost every class of society, scarcely any thing has been attempted in favour of men of letters. Yet it is undeniable, that the triumph of liberal opinions within the last five or six years, has been in a great measure owing to the extension so widely given to them by the persevering efforts of authorship—not merely in newspaper polemics, in political reviews or minor periodical publications, but in many works, both of fact and fiction, which have directly or indirectly impressed them on the public mind. Numbers of writers, well deserving of encouragement and well fitted for official employments at home or abroad, are left, after their run of popularity or their powers of sustaining it have subsided, to fight their hard battle with the world, their energy exhausted, their spirit broken and their pride wounded by cold refusals, false promises or long suspense. And it needs not to be told, that a generous and sanguine temperament, most commonly allied with genius, is but little consistent with the provident forethought which lays up a store for reverse of fortune or the decline of life. Were a fixed adequate fund appropriated for the occasional reward of meritorious writers, not sufficient to maintain them and their families in idleness, but enough to give a certain security to their position and to keep up that stimulus to exertion which great anxiety is sure to destroy; or if a given number of subaltern situations were held disposable for such men, much would be done for the honour of the country, and the preservation of the talents which have instructed, as well as amused, the world. It is thus that a popular government might easily make the remuneration of industrious talent com-

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patible with free institutions, and, without the enervating exactions of academical restraint, cast far into the shade the prodigality of those discriminating despots, under whom genius is sure to be at once rewarded and corrupted.

The public is not, and cannot be, the patron, in the real meaning of the word, of individual excellence in literary pursuits, without recourse to general subscriptions, a frequent recurrence to which would soon tire out both the general philanthropy and the general patience. Besides which, most men of refined feeling would suffer any extremity of privation rather than court a form of assistance under which a delicate mind would almost inevitably sink. So repugnant, in fact, to the spirit of our living literature is this direct appeal to individual aid, that the publication of a work by subscription, which was so common in more servile days, is now almost unheard of. In no other way can literary men appeal to general patronage. The public will buy freely the particular books that amuse or interest them; but think little, and care less, about the author, unless he happen to be one who, by some extravagance of conduct, renders himself absurd or hateful, or otherwise obnoxious to curiosity. The great majority of writers, who toil against a host of worldly ills, upholding the true dignity of letters by independent industry, pandering to no faction, and honestly struggling with fate, are unknown to and unthought of by the public at large, except on the occasional appearance of their works. James I. granted old Stow, the chronicler, a licence for public begging. Later kings have now and then given more delicate means of relief. But DEMUS is no man's patron, nor will the *Μεγα θρεμμα* buy a single volume for pity's sake.

It is then to the booksellers, and to them alone, that those who follow literature as a profession are driven, for that tangible protection, that substantial pabulum, without which, alas! there is no existence for even the most delicate essence of genius. And what can be expected from the great majority of traders in the products of intellect, beyond the usual calculation appropriate to other merchandise? How can it be imagined, that he who acquires a copyright on speculation, will view the transaction in any other light than as one of mere barter and sale? A publishing Macænas would be,

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indeed, a phenomenon ; while literary produce is to be bought and sold, its producers will be treated like other fabricators. Those goods will be most valued, which best suit the market ; while, as in the case of many other commodities, an artificial demand will be, at times, created for certain qualities of the article by the manœuvres of clever speculators.

Thus it was, that at the flourishing period of our modern light literature before particularly alluded to, when the flood-tide of talent was at its utmost elevation, one of the leading publishers of the day took advantage of the crisis, with all the ardour of adventurous skill. Like some bold buccaneer who sweeps the seas, respects no flag and carries off prizes from every port, he bore down on every author who spread his sails in the winds of popular favour, and invaded the harbour of every brother bibliopole who had sent a successful venture afloat. There was scarcely a writer of merit who was not, by the apparent liberality of the offers made, induced to put his works into the hands of the prodigal capitalist, who gave higher prices for his first bargain, and held out fairer promises for the future, than any others of *the trade*, as the bookselling community is technically called. And once involved in a joint concern, it becomes more difficult than the uninitiated might suppose for a writer to break away from such a connection. The individual most deeply interested, neglected no effort to secure a monopoly ; and the measures taken to force a sale of the agglommerated volumes were on a scale proportioned to the enterprise. From that moment, the whole circle of light literature was vitiated.

Up to this epoch, English criticism stood on high ground. The two principal Reviews were, no doubt, warped by political bias. The greatest powers were too often applied to the objects of party. But grievous and besetting as was this sin, the victims of the injustice of one great instrument were almost sure to be upheld and vindicated by the other ; and the public was always there—an honest arbitrator, to maintain the right. Some sensitive minds were crushed by the cruelty of criticism. Keats, the personification of poetic delicacy, died under one rude assault. Another awoke Byron's genius to a glorious revenge. But, whatever were the abuses of criticism —however it might in practice have been changed from Aris-

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totle's definition, "a means of judging well"—although "the large and laborious arguments," which Locke considers one of its essential marks, were too often replaced by flimsy and flippant strictures, it was still tolerated in the lofty violences of political warfare, and had not yet been degraded to the purposes of sordid trade. In imitation of Bacon's celebrated boast, that, "if he sold justice, he had not sold "injustice," so might criticism have then said, that though its purposes were perverted, they were not prostituted. Neither excuse could save the criminal from the severity, though both, perhaps, might mitigate the wrath of the impending sentence. But, very soon, reviewing, from being only the instrument of party hate or personal favour, became the pander of private cupidity. Periodical works were established, of weekly and monthly appearance, for the almost openly avowed purpose of giving early and choice extracts and favourable notices of books, even before their having issued from the printing office, and often while they were yet partly in the press. The public curiosity thus tickled, the forthcoming production was lauded to the skies; a few piquant passages were cited; paid paragraphs of puffery inserted in the newspapers; a rapid sale was secured to a certain extent; and the work, good or bad, was a sure profit to the publisher. Week after week, shoals of new books were ushered into life, and forced on their way in frightful rapidity; and the scrambling riot for fame became confusion worse confounded.

There can be no doubt, we think, of the injury done to literature in the abstract by this plan of tactics. It certainly encouraged the appearance of a few clever writers; but it was, on the other hand, seriously injurious to most of the established favourites, as well as to those new competitors in the race. As to the mischief inflicted on the public taste, that is matter of less interest to us. We put forward no claims to its guardianship. It is of ample age, and ought to be able to take care of itself. At any rate, it is now too late to save it by whining lamentations. Those tardy censors who declaim against the evil may spare their Jeremiads. The capitol was taken before the cackle could be heard. It is enough for our present purpose to establish that this system of exciting extracts and puffing paragraphs had a manifold ill effect on several of the

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authors whom it might be supposed to serve. It, in the first place, gave them an involuntary, and often a false notion of their own excellence, and of their place in the public estimation, leading to an over-confident and careless manner, a hasty and ill-chosen selection of subjects, and the consequent rapid deterioration of style, and the speedy wearing out of the materials of their talent. Many writers, within the last dozen years, have lost, from over production and the ambition of rivalling *in quantity* Sir Walter Scott or Lord Byron, the hold which they had justly gained on the public, and have sunk into comparative disfavour. On the other hand, when the puffing system became so general—when the eulogy, merited only by a few, was indiscriminately lavished on every one who produced a book—when the same epithets—"distinguished," "admirable," "inimitable," "standard"—were applied to all; when the most flattering test of real distinction was to be *un*-distinguished, the public, in breathless haste to swallow this "all-manner of deliciousness"—crammed to suffocation—with no time allowed to make comparisons, and with a vitiated palate—confounded the good with the bad, and the indifferent with both; and repletion produced its natural consequences, an incapacity for digestion, and at least a temporary suspension of all wholesome taste.

There was no species of light literature with which the reading world was not surfeited at this direful epoch. Romance was served up in every possible shape and shade; and what assumed to be reality, was too often (like a French fricasée) found to be romance. The good novel and tale writers of the day were actually borne away by the torrent of imitation, of which they were the involuntary causes. Some of them, yielding to the impulse, had recourse to the perilous industry of out-writing their imitators, and they produced, in many instances, works quite as flimsy and puerile as those. Others, more prudent, husbanded the resources of their talent, and by less frequent appearances upheld their place in the public esteem, while their prodigal contemporaries were forgotten. We have, on a late occasion, entered slightly on the almost inexhaustible subject of modern novel writing. To do justice to even a portion of its professors, would be impossible, in much larger limits than

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can be afforded to this article. We shall not, therefore, further touch upon it now, but will confine ourselves to that branch of light literature of a specially personal kind, which may be called emphatically, if it be not peculiarly and exclusively, English.

The historical memoirs (*mémoires pour servir*), which form so striking a feature of French literature, holding a middle place between the serious and the light, have hitherto met but small rivalry with us. Whatever may be the mistakes or contradictions of individual works of that class, they are generally undertaken with a higher view than the indulgence of mere personal vanity, for they are in most cases prompted by the double ambition of contributing to the political history of the author's country, and of honourably coupling his name with the great events in which he may have been, more or less, a participator. The assumed autobiographies of foreigners, having no great historical associations, are in general apocryphal productions. A few which bear the stamp of truth, such as Cassanova's and Cellini's, are intensely interesting. But the mass of modern *French* memoirs, professing to be merely *personal* and private, are pure, or rather impure, fictions. Those of Lauzun and Madame du Barri, for instance, are not more genuine than Faublas, or "The Woman of Pleasure." It is not so with works of this description in England. There is a painful reality about them, all to our disadvantage. Let us declaim as we may against the egotism and frivolity of "our "lively neighbours"—to recur to the depreciating slang now somewhat out of fashion. We must admit that a comparison between the published productions of both countries, of late gives to us a fearful preponderance in those stigmatized qualities. We will not here enter into a disquisition on the subject. It may suffice to state that while France has been deluged by a flood of frantic rhapsodies, in the form of dramas or prose fictions, whose absurdity is an antidote to their poison, England has been overrun with authentic works (so to call them), the most utterly egotistical and frivolous that any country has ever produced.

Under the publishing auspices so often mentioned, encouragement has been given to the appearance—in the shape

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of "Memoirs," "Lives," "Recollections," and "Reminis-
"cences," of the most trashy crudities. Almost every one, having any pretensions to consider himself any body, or who ever knew any one worth knowing, was affected by this wondrous mania of telling his own story. All the supposed national repugnance to thrusting oneself gratuitously before the world seemed to have vanished under its influence. *Digito monstrari et dicier hic est* was the great ambition of the day; and it has really become a marvel to meet a man who has not attempted his own life, or that of some one else, or given us "Sketches" or "Records" or some such melancholy proof of a retentive memory and the *cacoëthes scribendi*. This everlasting appearance of *self* in an incalculable variety of shapes, is perhaps the distinguishing difference between the writers of the last quarter of a century and those of that which preceded it. The errors of that period were not by any means so personal and concentrated as are the prevailing faults of this. The sentimentality then in vogue, though degenerate and ridiculous, sought nature nevertheless as the source of its discursive emanations; and it rarely led a writer to ring the changes on his individual *escapades*, or to force his peculiar frame of thought on the world in some one or other of the wide varieties of bookmaking. But latterly the face of literature became covered with an eruption of exaggerated vanity, which, when the outbreak somewhat subsided, left many a dishonouring mark behind.

We do not mean insidiously to drag those forgotten offenders from their resting places; nor shall we rake up the ashes of the crowd of travellers, whose lucubrations, under the titles of "Visits" "Rambles" "Tours" and "Trips," have appeared and disappeared at frequent intervals and in quick succession. The readers of our Review must have observed that, following the decided impulse of the age, we have given it a political rather than a literary bias, and that almost wholly passing by the *nugæ canoræ* which at once amuse and confuse the fancy, we have turned to those subjects which exercise the mind, arouse the passions and elevate the characters of men. The grand transactions of the last six years have almost exclusively fixed the attention of all thinkers on the revolutionized countries of Europe—those which have failed or succeeded,

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which have nobly struggled, or which prepare for the conflict with the incarnate curse of despotism. REFORM at home disputes the palm of interest with *Revolution* abroad. But time and space may now and then be found to lighten the consideration of those important subjects; and it was rather as *a delassement*, than with any profound intention of utility, that, in hopes of a prize or two among a multitude of blanks, we have drawn at random in the literary *tombola* of the present publishing season—and now proceed to examine the result of our venture.

First come the "Impressions of England," by Count Edouard de Melfort. We like the title; it is simple and to the point, and has no deception on it. Neither has the book itself. It is just what might be expected from a well-bred gentleman and gallant soldier, viewing England through the medium of a kind heart and generous temper, taking his pictures of society chiefly from the classes with which a man of high connections would naturally mix, and his notions of character from persons on the part of whom he experienced much attention and hospitality, during his residence in various parts of the country. He avowedly came to England to be pleased. He is no Smelfungus; and it is as much, perhaps, owing to temperament as to conviction, that he has seen almost every thing *couleur de rose*. It is essential towards forming a just estimate of a book of travels, to know something of the prejudices or predilections, if we cannot exactly enter into the motives, of the author; and, however he may attempt disguise or concealment, there are few pages of such a work that do not involuntarily betray them. In the present instance we are in a great measure saved all trouble on this account by the frank and cordial admissions of the writer, who, while ostensibly communicating his remarks for the information of a friend, makes it no secret, that his object is to relieve himself of the overflow of admiration excited by almost every thing he sees and hears. The extreme difficulty which a foreigner must find in seeing England, beyond the mere physical surface, in a favourable light, entitles every candid visitor to a high degree of praise; but a Frenchman, who has the hardihood to *publish* an eulogy on the nation at large, is peculiarly deserving of it. For it is lamentably true, that France is yet, in spite of our political

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alliance, far from being free from those old prejudices which are incompatible with an appreciation of English merits, or of possessing a tolerance towards any of her own sons, independent enough to disdain pandering to the vulgar taste.

Great and gross as are the misrepresentations of most English writers on the subject of France, they have been, undoubtedly, exceeded by those of French writers on England. From Monsieur Sorbière, who, in a curious and now rare duodecimo (1668), stated, that "les Anglois ont écumé les vices des autres "nations et méprisé leurs vertues," to Montesquieu, sixty years later; and from Voltaire down to Pillet; or later still, to Rubichon and Baron d'Haussez, Frenchmen have given abundant proofs of ignorance or bad faith in their pretended portraiture of English society. The last mentioned writer, more particularly, whose object, no doubt, was to excite the sympathy of his countrymen towards his own situation, by softening their anger at his political delinquency, thought he could do no better than libel the people, whom they cannot yet help viewing in a narrow spirit of rivalry. And this ex-minister, having gained a footing in a few hospitable families of third or fourth-rate claims to refinement, drew a pretended picture of high life and national habits, in most respects fanciful, in many, ludicrous, in some, wilfully false.

It is, then, with no small degree of pleasure, that we find an intelligent and clever man, like the Count de Melfort, coming forward with a remedy against the Baron's unwholesome trash, and honestly stating his impression of our country, in a series of amusing and, in some instances, highly interesting sketches. It is now time to let him speak for himself; and his first letter gives at once a fair specimen of his style, and a good notion of his object—and of himself. An occasional gallicism, or slip of grammar, may be well excused in a work either written in English by the author, or translated from the French (as such books generally are), for simultaneous appearance in Paris and London.

"My dear Augustus,

"You allude in your last to the letters I wrote you from England in 1817, during my first visit to that country. Our military career had then abruptly terminated, and we were both restored to our families. You departed for the South of France; I rejoined my mother in Great Britain, where I not only met her kind welcome, but the courteous hospitality of those relations against whom only a short time before I had been 'ranged in battle array.'

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"But those letters, which you are kind enough to say amused and interested you, must have been necessarily very imperfect. They could only have comprised the feeble sketches of a very young observer. If I remember well, they contained slight pictures of the different ranks of society which fell under my view,—in fact, of every thing that I either saw or heard,—but all in a very superficial manner. Besides I had already lived too much for my actual age,—I had been thrown into too many different scenes; my imagination had been too continually excited; my mind too constantly habituated to the reception of new impressions, for me to be capable of estimating calmly and impartially a country not my own.

"Remember also that I had already passed four years at Naples; where, emphatically speaking, my *life* commenced, as if to contradict the Neapolitan adage, '*Vedi Napoli poi morire.*' Four years under that splendid sky! at a court where pomp, military parades and festivals of every description, succeeded each other incessantly; where whole nights of loveliness and enjoyment were spent on that unrivalled bay, in the royal barks, gliding rapidly but silently along to the sound of the most harmonious music! All this acted powerfully on the senses and imagination of a youth of eighteen.—Do I not even now behold that scene of fairy land! Vesuvius grumbling still, whilst the reflection of her burning lava seems to dispute with the silver light of the resplendent moon an empire over the waves!

"I found myself suddenly transported thence to Upper Italy, to the camp on the shores of the Mincio, to the army commanded by Prince Eugène (Beauharnais). I made my two campaigns, gained two ranks, and received from the Emperor himself, in front of my regiment, the then so highly-valued cross. All this was gone, all had vanished!—I was, as I said above, in England, and had not yet attained my twenty-second year. I was, I fear, but a poor philosopher, to judge of or describe one of the most remarkable countries in the world.

"What I here bring forward as an excuse for my small capacity as an observer formerly, is not meant to announce any very wonderful power at present, nor to lead you to expect any thing very preferable in the letters I shall now address to you. But, as you justly say, some years more of life and experience, and a second—and this time a very prolonged sojourn in England—have enabled me better to appreciate all that surrounded me, and also to observe on a larger scale. My share, moreover, of the pains and griefs common to all men (and they have fallen heavily on me)—those moral sufferings especially, the effects of which when profound, are never effaced—these, I say, must help to form the mind and rectify the judgment more even than the years that have passed. They also dispose the mind and feelings to a gentle philanthropy, which makes us consider our fellow-men, and indeed all beings, in a more benevolent, a more generous manner, without, at the same time, diminishing the faculty of distinguishing what is evil, or even of seizing upon what is ridiculous.

"Let me premise that I have no set plan—nor will I form one. I will not even promise you to classify my descriptions, or separate my subjects: I shall write under the dictation of my recollections as they occur. Do not reckon on any political reflections; not only because I profess to have but little knowledge of the matter, but because I almost dread the presence of those who do,—they talk by far too much about it.

"I shall not venture on many subjects. Some will be avoided from want of sufficient information; others, because I do not think them compatible with the mere sketches of society as seen by a man of the world, who is that and no more.

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" In re-perusing this letter, I perceive that I have made a sort of preface. Well, it has, in any case, one merit,—that of not being long."—(Vol, I. pp. 1—5.)

The second letter starts upon a subject, " the nationality of " Englishmen," widely at variance with this promised abstinence from matters of serious political import; but passing over that, we find, and done with a light but by no means a frivolous touch, various sketches of the social aspect under which Count de Melfort was fortunate enough to see the country to which he is thus avowedly attached by family ties. We shall now take a few extracts at random; and however familiar the scenes, or the persons designated here and there by initials, it is always pleasant to trace the effect produced on a foreigner by men and things to which usage has made us almost indifferent. He takes his friend with him (in imagination) to Hyde Park; and after a general and animated description, he goes on:

" Do you see that tilbury, at the end of the drive, standing close under the statue of Achilles, which was erected in honour of, and dedicated to the talents and military success of a Duke by the English Ladies, and whose too succinct clothing caused at the time of its erection so many clever caricatures and pleasant jokes. This tilbury is, as you see, surrounded by beaux on horseback smiling and chatting. You may be certain that the two persons in it (the one a man still young—the other a pretty woman) are people of fashion. The former is probably the son of some noble earl or baron, perhaps an honourable and gallant colonel (gallant, here, signifies brave as well as that other signification which it has elsewhere); he is at last married. I say, you may be certain they are people of fashion, because twenty other gigs of different sorts might stop there without attracting a single soul to look at or greet their occupants.

" Another sort of good style is for a cavalier to stop near the low barrier which protects the foot-passengers, and there to let the reins fall over his horse's neck, who, on his part, complacently stretches his head across the rail to be caressed by a small gloved hand; she to whom this hand belongs has the other passed through the arm of her mother or sister (in the latter case the head of that sister is turned away with an air of indifference): they are talking with *nonchalance* of the ball at the Duke of D.'s, where there were cherries at a guinea a pound: or of the breakfast for to-morrow, which will be delightful,—James Smith has promised to sing! You hear inquiries made amongst the crowd, ' Who is that young man?—he with the half-grown moustaches, whose horse Miss B. is patting?' ' He is in the Blues,' is the reply: the name is nothing; ' He is in the Blues,' is enough.

" See, here is a group of gentlemen on horseback, all standing still with their horses' heads turned to a common centre, the cane in the air, the end supported on the hip. They are discussing the immensely long speech which the representative of a certain city in Ireland made last night, and which kept them so late from dinner; these are no longer very young, their time of youthful vanity is passed, at present it is that of politics and epicurism.

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"Now turn, and look at that green carriage, without arms, and the servants out of livery; but, nevertheless, the whole in good taste. It goes slowly: a certain individual on horseback at the door leans his hand on it, and puts his head almost into the very interior; doubtless, to hear what that pale and delicate-looking woman (who appears to be speaking with anxiety and reproach, and who shrinks back as if to avoid notice) is saying. What does not please me in the gentleman is, that he appears to *like* to be thus seen; you will perhaps see him again to-night in the *dandy's* box. As to all those cabriolets, in which are young men with moustaches (although I do not think they are all or any of them in the army), each with a lady by his side, very much dressed, and of a certain equivocal appearance, I confess that I think this is not calculated to embellish the scene. * * * * * * *

"But look! here comes *la fleur des pois!* See, he arrives in his tilbury; at his side a little groom just two feet high (his tiger); this is another of our countrymen, but now an amiable renegade, for he has become a naturalised Englishman. It is the handsome A———d, (le Comte de D.), with his cravat so prodigiously well put on, his blooming cheeks, his black whiskers, his hair curling, *naturally* of course. He has married a young and very pretty person, whose rather celebrated mother-in-law is still handsomer than herself, and who is one of the most agreeable and clever women of her day; thus in all respects he has been most lucky. And, besides all this, he is himself the very *apogeum* of elegance, the despair of a number of beaux who cannot, alas! put on a cravat like that! He is likewise a man of talent, and possesses a good figure and *tournure*, as you see; and, to crown all these qualities which form the man of the world, he has acquired the glory, in a country where certain individuals carry the extravagance of the toilet to such an excess, of leaving them all behind.

"Speaking of him recalls to my mind a rather comical meeting that I witnessed some years back in this very Park, and which will give you a notion of the manners of a man of rank and high fashion. D. had just made his first appearance in London: he had arrived, *soit dit en passant*, under the auspices of his brother-in-law, who had formerly held the rank of captain in the English service, and was then returned a duke and general of the Restoration—that is to say, a high and puissant seigneur. I was in the Park on foot; Lord P., who was in his cabriolet, had drawn up to speak to me: it was late,—almost every one had left the Park, and the being thus alone had thrown a degree of the confidential into our conversation, which perhaps rendered any interruption not so agreeable,—when, all at once, arrived le Comte de D. at full gallop, joyful, and quite out of breath with emotion and pleasure in finding himself in a scene so new to him; and, no doubt, anxious to make the acquaintance of all the fashionables who might fall in his way. On seeing me he stopped to speak; and, in less than half a minute was in a lively conversation (entirely on his own side,) with Lord P., who replied to all his compliments on the beauty of his horse and cabriolet, upon the length of that beautiful tail which nearly touched the ground, &c., by very amiable smiles and repeated bows, and by that peculiar laugh (*ricanement*, peculiar, I might say, to his family), so impossible to describe, and which must be heard, or seen rather, before you can comprehend all that it expresses; a laugh, in fact, which imitates conversation without one word having been said. Lord P. not understanding French, did not comprehend a single word of all that D. was pouring forth; and I, as you may believe, took good care not to undeceive him. I was far too well amused; besides, I had no doubt that the parties were acquainted, for the courtesy of Lord P. was marked

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and D. addressed him as 'my lord,' in speaking to him; therefore, I was not a little surprised and diverted when, on D.'s quitting us, Lord P. said, in a tone difficult to imitate, 'Who is that?' "—(Vol. I., pp. 31—38.)

There is much good sense and a spirit of fair play in the following remarks:

"In less crowded parties, even in intimacy, which never exists amongst the English without a certain reserve, the men bring their usual coldness; their consciousness of not knowing how to amuse themselves or others, appears to take refuge, and conceal itself, under an air of contempt for the talents of society which they do not possess, and of which they try to avenge themselves in persisting to consider them as trivial. Do not forget, my dear Augustus, that my observations are general, and that I do not by any means intend to assert that there are not men in England greatly distinguished by elegance, grace, talent, and all which nature and a fine education know so well how to unite. I only criticise *in the lump*; and, as my satirical humour is not yet gone, let me return to my general observations, only I am now going to change my victims for a moment.

"It is said that foreigners are received very favourably in England, and particularly so by the ladies; who, they say, are eager to have them at their parties and to appear amiable in their eyes. There may be some truth in this; but also it must be considered under two different points of view. As to the hospitality and even distinction with which they are treated,—I mean those who merit such treatment,—it is universal, and very flattering; but as for particular distinction accorded by the ladies, which certainly would be much more precious, there have been more foreigners than one who have very willingly taken such compliments entirely to themselves and to their own merits, when, if they had judged the matter with a little less love for dear self, they could have only recognised in this preference (a passing one, after all), a desire, very natural in a state of society so monotonous, to be acquainted with something novel in habits and manners; also a wish to be in the fashion, whose despotism has, with great good policy, discovered that a few strangers scattered throughout a drawing-room could only tend to introduce a little of the animation so much wanted. So, if the king of the savages, during his visit to George the Fourth, had only been a little cleaner, he also would have been received, and, I doubt not, have gained as many suffrages. Those who are in the secret of the success of the Persian ambassador with his long beard, might testify to what I advance; besides, these ladies find in the presence of foreigners an advantage which I am going to explain to you; first, declaring that in this I see rather a reproach against their own countrymen, than a direct compliment to foreigners. The manner in which a man of the world, arriving from the continent, puts himself at his ease, and not only himself but those he may have to address, let their rank be what it may, is so different from the general habits of the English, that every one must be struck with it, more particularly the women, who, here as everywhere, only want the power, the opportunity rather, to display their wit, amiability, and perhaps even a little coquetry; and *certes* that will not be found in society purely English, where they are all ranged in seats, in a row on one side of the apartment, whilst the men all remain on the other, looking at them, or perhaps turning their backs and talking amongst each other of hunting, shooting and politics. Surely it is not here that coquetry can be indulged, for there is here no opportunity."—(Vol. I., pp. 61—64.)

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From "reserve" to "shyness" is a natural transition. We therefore give a passage on that characteristic of our national manners, and we think the concluding anecdote is very gracefully and touchingly told.

"Whilst I was at Cheltenham I had many opportunities of studying in a close manner the different characteristics of English society; one of which is to be almost universally found—I allude to what is called shyness. *Mauvaise honte* renders but a very imperfect meaning of this word: one may say of a man 'he is shy;' but to say 'he is *honteux*,' which is the only word that I know of to translate it, may give you the idea of something ignoble or base, whilst the character that I wish to paint is one which inspires me with great interest, and is just the contrary. *Mauvaise honte* betrays itself in different ways in England. In a room full of company there are many women who dare not move from a sofa, upon which they condemn themselves to pass whole hours; and if at last one of them ventures to cross the room, it is with an embarrassment and awkwardness which shows itself at every step, and which she would not perhaps exhibit if a fewer number of eyes or none at all were on her. The greater number of the men too, from the same reason, remain nailed to the wall, half hidden by a curtain, or else they never venture much beyond the door of the drawing-room. But what I wish to depict is, the perpetual shyness in intimacy, in the family circle as well as in society, in a good, generous, amiable man; one who possessed the greatest simplicity of manners and habits, and whose modesty reached the point of fear, and this joined to the highest qualities of the heart and mind; for in himself he possessed qualities sufficient to have rendered many persons vain if they had been divided amongst them.

"*A propos* to vanity, I am going to give you an example in myself, for I am very proud of having been distinguished by, and I think of having inspired a true affection in him to whom I here allude; and although he never breathed a word to me himself of his sentiments (the very idea would have given him a fever), yet his actions towards me, his kindness (*fuyante*, I may call it, which he tried to conceal immediately he had done anything to please or serve me), all proved it to me, so that I can never forget it. And Providence seemed not willing to unite in one being so many valuable qualities without giving him a companion capable to appreciate them; one who possesses herself, not only the most amiable virtues, but beauty, grace, elegant ease, politeness of manner and attention to her friends, which I might call exquisite without the least exaggeration. As for him, in the midst of all the luxury and refinements of a charming residence in the country, where taste and expense disputed the *pas*, and which was ever consecrated to hospitality; possessing four pretty children, in whose superior manners the care of a tender mother was already seen; loved, esteemed and blessed by every one around him for all the good he did, he was only the more modest, the more shy: he feared more being surprised performing a good or generous action, than most others would in committing a bad one."—(Vol. I., pp. 140—143.)

"Another time we were to dine with the clergyman of the village, one of the prettiest in the environs of Cheltenham, near which was my friend's house. He had himself embellished and adorned the church, and it was particularly in this village that he did so much good. The clergyman was a man as much distinguished for his literary acquirements, as for his manners and exemplary conduct.

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He was not rich; but what many others would have called poverty he did not consider as such, and in him it was elevated and sustained by a behaviour always dignified. Do you not think that on a like occasion (such as the invitation that I had from this clergyman), one is more beholden, and indeed has more pleasure in being punctual to the hour indicated, than if the entertainment were at the table of a great duke?

"I was flattered and pleased by the invitation; so I presented myself at the worthy minister's cottage-door even before the time mentioned. The maid-servant, making excuses for her master, who, she said, was dressing himself, showed me into a small room on the ground-floor, communicating with another by folding doors which were open. The one into which I entered appeared to serve as a drawing-room as well as study; a book-case filled with choice books, and a table covered with books and manuscripts, clearly announced its double use. The chimney-piece, as well as a window looking into the very pretty little garden, was ornamented with flowers: the furniture was plain, but exquisitely clean. I perceived in the other room the table laid for four persons, the linen of the purest whiteness. Near the table, brilliant with a small but sufficient quantity of plate and crystal, stood the dumb-waiter (a table with shelves which we call, I think, *une servante*): this was a frank avowal, made beforehand, that we should have to help ourselves during dinner.

"I waited sitting in the minister's great chair, in which he was wont to reflect on all his duties towards his parishioners, and where he composed his sermons, which always breathed a religion full of tolerance and encouragement. It appeared to me as if the calm and tranquillity which I had felt on entering the retreat were augmented, and I breathed more freely. This arm-chair even, in which I was so comfortably seated, exercised an influence upon my whole being; I had never experienced the same sensation, I felt in myself the desire of becoming better (you will say there is room for improvement), and, plunged in reflections which became more and more humble,—I began to doubt even if I were worthy of remaining in the seat I occupied,—when the door of the dining-room opened very gently, and the head of the kind father of little Jeanie appeared, looking cautiously round to be sure that no one was in the room. He entered without perceiving me, and drawing from his pocket a bottle,—which I quickly recognized by the form and colour as one of his excellent bottles of hock,—he placed it carefully on the sideboard amongst two or three others, probably of a less expensive kind, which were already prepared for dinner. He retired very quickly, as if he had just committed a disgraceful action, and I saw him immediately appear in the garden to see how the flowers were going on—flowers that he had also taken from his greenhouse to give to his friend. I took especial care not to interrupt him during his visit to the dining-room: I guessed the reason of this delicate and kind manner of giving, in order to avoid the thanks which must of course be offered for a present ostensibly made, however trifling in value it might be: and, at the same time, he gratified his habit of retiring the moment that he had performed a kind action.

"The dinner was quite in accordance with the style of the habitation and the character of our host. Every thing was simple, and the honours were done with a hospitality and sincerity which greatly increased our appetite. We even proceeded to acts of epicurism; for the good minister caused to be brought to table a hot plate with its lamp, and placed in it with his own hands several tempting slices of a very tender wild duck, squeezed a fresh lemon with some Cayenne

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pepper over them, whilst the light vapour of the flame of the lamp produced a pleasant bubbling; he then offered us a specimen, as he termed it laughingly, of his talent in exciting the appetite. It was found excellent, and eaten with a great many compliments and thanks. And he too had a good share of 'shyness,' but in another manner. Clever as he was, he always appeared greatly embarrassed when in the society of ladies. He then never seemed to know what to do with his arms or legs, how to hold himself whether standing or sitting. Even his replies and his whole conversation partook of this *mauvaise honte*.

"You may suppose that when the bottle of hock made its appearance the shyness of my two friends was put to a sad trial. The fourth at table being almost a stranger, his presence increased their mutual embarrassment. It was easy to see on the frank and open features of the clergyman an extreme desire to declare that his modest cellar could not have produced such wine; but then he must spare the friend he knew so well, and on whose face was easily discerned the fear of being accused. These few moments of interior combat between two hearts full of probity and goodness, and who so valued and loved each other, finished by a smile exchanged between them; and I, who unknown to them was in the secret, was truly touched by this little scene, which the discretion I had exercised enabled me to enjoy. You may judge if the friendship of two such men must not have been most precious to me."—(Vol. I., pp. 145—150.)

In turning back a little we find a sketch, evidently from life, of a dinner at Mr. Jackson's—of course an imaginary personage.

"Let us now go in to Mrs. Jackson's: the servant conducts us up one flight of stairs; the narrow carpet placed in the middle of the white, clean, stone staircase, tells us where we are to tread in ascending it: here we are in the two everlasting drawing-rooms, opening one into the other; you will find it invariably so in every house of this kind in London. Here the family, full dressed, is assembled; Mrs. Jackson and her four daughters are seated all in a row. On our entrance they rise, and I present you, saying, 'Mrs. Jackson, will you allow me to introduce my friend Mr. A.?' and then we pass on to the young ladies, to whom, without further ceremony, it is sufficient to name you, first addressing the eldest, 'Miss Jackson, Mr. A.—Miss Eliza, Mr. A.—Miss Maria, Mr. A.—Miss Dorothy, Mr. A.': and then to the great son with red hair, 'Mr. John Jackson—Mr. A.' At each of my introductions, in return for your low bow, they give you a little nod of the head so as just to touch the upper part of the chest with the chin. After this ceremony we all sit down, and fall into a profound silence, which will be interrupted rarely by Mrs. Jackson, who will question you on the epoch of your arrival in London, whether you have been to the Opera (this is fashionable), and then upon the weather of yesterday, to-day and to-morrow: or perhaps you will hear a low-toned voice, which seems to issue from the chest of a young child; it is that of Miss Maria, who is a head taller than yourself, and who has ventured to ask a question of her mother, to which she has replied by another little assenting bow.

"At last hurried steps are heard, and the door opening briskly, Mr. Jackson in person appears, who excuses himself for his delay on account of some business which he says kept him: he shakes your hands both at once in each of his, and tells you dinner is served; and then you offer your arm to Mrs. Jackson, I take that of the timid eldest daughter, and we descend to the ground-floor, to the

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dining-room, which, like the two drawing-rooms, is every where the same in form, size and situation. You can hardly fail to observe all the brilliant plate, not only on the table but also on the sideboard, where trays of every size, goblets, covers, plates and other objects of the same metal are ranged against the wall: this display puts one in mind of a silversmith's shop. The table is out of all proportion long: each end is occupied; the one by Mr. Jackson, who undertakes to serve the fish and to carve the large joints (such as an immense turbot, and then an enormous piece of roast-beef); the other end by *madame*, who, having placed you on her right and me on her left, begins to serve the soup; she will afterwards ask you to carve the everlasting boiled fowls, *à la sauce blanche*. As to the French *ragoûts*, which are ranged lengthwise down the table in covered dishes, be careful and avoid them; I recommend it as a friend. You have accepted soup, and I see that you are astonished to find little cotelettes, bones, forced-meat balls, &c., swimming about; the Cayenne pepper and other hot spices cause you to make a grimace, whilst they burn your throat; never mind; eat some turbot, you will find it excellent.

"You must now bravely 'screw your courage to the sticking-place;' you are nailed to that chair for the space of two hours and a half at least, without any chance of conversation, except only a few interrupted words, each person speaking occasionally in a low tone to his or her neighbour. The burly Mr. Crack, to whom Mrs. Jackson introduced us, has as yet only opened his mouth for the purpose of endeavouring to satisfy his extraordinary appetite; this, however, appears to be labour in vain: he is placed in the middle of the table, and fills the place of two persons whilst he eats enough for four. As to that *soi-disant élégant*,—that little personage placed next to Miss Maria, who cannot turn his head on account of his stiff black stock which keeps it in prison,—you will guess by his ridiculous affectation and exaggerated politeness to his neighbour, to what sphere he belongs; particularly when, during the dessert, on her asking him the favour to give her an orange, he will take it up between two spoons, one in each hand, his elbows raised and his fingers extended. The only speech which you will have heard him utter was when good Mr. Jackson cried out after emptying his glass, 'After all, the climate of England is the best in the world!' and he rejoined, 'It is unquestionably true!' Thus pass two hours. However, at last, the cloth is removed, and we continue round the well-rubbed or polished mahogany table. At this point of the entertainment Mr. Jackson makes us a bow, pronouncing at the same time a few indistinct words; we all return his bow. This, after dinner, is a regular custom,—a sort of *agimus tibi gratias*, which is thus said in abridgment.

"The table is now covered with crystal, fruit and flowers and wine decanters; these are first arranged in battle array before the host;—and at his signal, made by pushing the first round, they begin their promenade of the table, one gentleman sliding them along to the next: the ladies take a little, taste the fruit, and after having occupied some moments in putting on their white gloves, rise, following the example of Mrs. Jackson; we all do the same, but only to conduct them to the door of the room. Here, however, the force of habit makes you forget the recommendation I had given you,—you try to escape; but a hand retains you by the tail of your coat: it is that of Mr. Jackson, who observes to you that you have still a bottle of claret to finish with him. Mr. Crack too had made a polite effort to rise on the departure of the ladies, but his own weight reseated him; he has now got to the raisins and preserved fruits, &c.

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"After another mortal hour, a servant enters, and announces that the tea and coffee are taken up stairs: we ascend; Mrs. Jackson advances to us immediately, she asks if we play or sing, and tells us how amiable we should be to do so,—this is a request rarely addressed to a Englishman, one is too sure of a reply in the negative. Mrs. Jackson appears very much astonished that neither you nor I can satisfy her in this respect; and after many protestations in order to convince her, she makes a sign to Miss Dorothy, the great musician of the family, who opens the piano, places her two feet on both pedals, and begins a confused din, under which the instrument itself appears to suffer. When she has finished, you will be much embarrassed to tell me whether it were an adagio, a waltz, or a quadrille which she has favoured us with. But never mind; like great Mr. Crack, who is seated in his arm-chair digesting his dinner, you cry out 'delightful!' This is all that is required.

"At length midnight is nearly arrived, and ceremony and restraint, the *nous ne savons que faire*, still reign at Mr. Jackson's: having wished them good-night, let us go!"—(Vol. I., pp. 81—87.)

The following slight anecdote is interesting, and characteristic of the chief personage introduced.

"I have dined in the City of London with a merchant, perhaps one of the least considerable; and the day after I dined with Lord H. in St. James's, where during dessert, a servant announced an august person (since elevated to a rank so high that he can rise no more). He came *sans façon* to drink a glass of claret with his old friend; he deigned to show an interest in the recital of our few campaigns, and inquired about our manœuvres of cavalry, particularly as to those employed by Napoleon to attack and carry the squares of infantry. I sketched them on the table, forming my squadrons with the dessert knives, whose silver handles (I told him) represented our brave hussars. His attachment to his own country always appeared in his conversation when England was mentioned; and I think I owed some gracious smiles to the little hesitation with which,—in speaking before him of the commerce of the nation,—I said, that the previous day, after having passed the morning in visiting the quays and docks, I had dined with a friend in the city, who had been showing them to me. This avowal produced a considerable elongation in the faces of two lords, a dandy and a duke, who were present, and who heard me with astonishment: but it did not alter that of my kind relation, Lord H.; and his Royal Highness, on the contrary, I am sure, liked me the better for it, for he visibly heard it with pleasure."—(Vol. I., pp. 71—72).

With many animated descriptions of scenery and *scenes*, from Wales to Devonshire; anecdotes of sporting in its various forms—for the Count appears to be a thorough lover of *la chasse*;—sketches of Newmarket and Ascot races; Windsor and Berkeley castles; music, painting, the theatres, &c. &c. are here and there scattered remarks well worthy of citation, on several points of our institutions and manners. We candidly think that, setting minor and pardonable blemishes aside, the fault of the work is its exaggerated tone of praise; but even

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if this were not, as it so evidently is, inspired by hearty sincerity, we are not disposed to quarrel with it on this side the channel, however it may be received by the author's less partial compatriots on the other.

We will conclude our notice of this very agreeable exception to the illiberal and vulgar excrescences which are so prominent on the *travelling* literature of the day, by another extract, the first section of which affords a text on which we may be on some other occasion induced to expatiate more at length—the English abroad;—the second being on a point which foreigners rarely judge with the sagacity of Count Melfort—the character of English women *at home.*

" Of the number of English families which reside on the Continent, either in the capitals or in provincial towns (it is well known from motives of economy), much might be said; but I will maintain my usual habits of discretion, and make but a few passing remarks on them. Their economical manner of living is nearly equal in expenditure to the wealthiest in the places they inhabit (excepting in two or three of the great capitals); from this result such airs, particularly amongst the ladies, that are really *impayables*; and, what is better still, it is among themselves that they establish the greatest distinctions! They carry with them their exclusiveness, their aristocracy, the same as in London; they are difficult of access to each other, they only receive those of distinguished name or title! the party must have been presented at St. James's! and yet—would you credit it?—three-fourths of these very people have never been in any thing like high society in London! Their very names have never even been heard there!

" There is another thing very remarkable in the customs of the English; namely, the pride, the haughtiness of many, as well as their overstrained opinions of the qualities essential to sustain what they call 'the high character of a gentleman,' put in contradiction with their receiving payment of damages from him who has seduced or run away with their wives. This is a problem I find most difficult to solve; there is an anomaly, a sort of ridicule attached to the idea of being materially consoled by money for a moral pain or loss, in repairing one's honour by receiving what it is not even honourable to ask. Explain this, Augustus,—you who have always been my master in reasoning and logic. I do not speak of the *people*, remember. Among them, for the same cause, a man drags his wife to the market-place, with a cord round her throat, and sells her to the highest bidder, sometimes for 'two shillings and sixpence;' but this is a farce which is now rarely played, and which John Bull only laughs at; and it is, you know, contrary to law. The practice of which I spoke above, is a question of social life: it is done by the noble and the fashionable; indeed, let me say, *en passant*, that it is among the latter that it most frequently occurs, and where there is the most risk of its occurring.

" As I am on this subject, which, when I commenced my letter, I foresaw I could not well avoid, I must add that an English woman seldom stops in a fault of that kind *half-way*; it is done completely,—heart and soul are in it; or, in other words: '*Lorsque les Anglais jettent leurs bonnets, c'est toujours par-dessus les*

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*moulins**.' A harsh observer could say that the cause of this romantic disregard of propriety arises from the complete loss of reputation which always follows a fall of this kind in England; but this is neither just nor generous. I should be much more inclined to think that Nature has given to women far more weakness and enthusiasm, than courage or inclination to brave the laws of society, and society itself, in thus throwing down the gauntlet.

" You smile here, I am sure, accusing me of getting out of my hobble by a half-compliment to the frail English fair ones; but, if there is any truth in my opinion, it is equally applicable to women of all countries: and as to English women considered apart, it is not by individual faults found in certain classes—it is not by examples which prove their rarity by the very *éclat* they produce and the reprobation which follows them, that the character of a people can be judged. Unimportant as is the opinion of any one individual, yet I feel I have the right to give one; for it is one formed after a long residence in England, during which I lived on terms of the greatest friendship and intimacy with many families in various ranks. And I say, and boldly say, that, if I am asked for an example for a mother to follow, the model of a respectable life, an assemblage of talents, education and modesty, an unfailing confidence in God, whether in prosperity or in adversity, I could cite thousands among women whose nobleness of feeling seems concentrated in one sentiment, the most touching of all,—' the desire of rendering their husbands and children happy!' And I would moreover point to England, and say, ' Go there and seek it!'—(Vol. II. p. 142—147.)

The second book on our list is a perfect contrast to the first. Its title, as well as the unworthy charlatanism which ushered it into the world, announces it to be one of those works, so common in the present day, made up for a purpose, and that purpose simply book-making; a *mélange* of truth and imagination; a wide-spread nondescript, setting classification at defiance; neither decidedly a novel, nor positively a tour; bewildering alike in its facts and its fictions; and leaving the reader in doubt, from the first page to the last, whether what he has read has caused him pleasure or disappointment, enjoyment or *ennui*.

Yet the very doubt conveyed in this admission is, in times like these, some praise. There is, in fact, much cleverness in these volumes. They are at times as spirited as they are throughout artificial; done in parts with infinite skill; and betraying everywhere a practised and a confident hand. They issue from the re-opened stores of the publisher so often alluded to in this article, who, after a temporary retirement, imagined by his rivals and copyists to have been a total abdication, has returned to his old trade of puffing, in which the

* " When English women throw their caps off, they cast them completely over the mill."

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public is involuntarily, but perhaps unjustly, tempted to include the authoress with whose production or productions he makes his new start into business.

The hackneyed arts with which this "Diary" was announced in the newspapers must greatly have prejudiced the public in its disfavour. We will not record those "preliminary" and "collateral" deceptions put forward through the medium of the daily journals; but it was really going too far, in a monthly periodical which has been from time to time distinguished by the contributions of the best writers of our light literature, to state that it was "a first production." Why the pen it proceeded from (we speak figuratively) is nearly worn to the stump!

The desultory sketches of high life thus given to us are quite as good as those of most of the novels, to which this diary may be said (and *not* said profanely) to hold the same relation, as a fashionable chapel of ease does to a fashionable parish church—showing *la même répétition* of character and costume, though somewhat less pretension of air and dress, and the service curtailed of a considerable part of its proportions. We shall not follow the heroine through her career of a London season, where very little is to be gleaned of interest to the initiated, or to the unlearned, of information. The latter is to be sought in experience, not in books. These caricature etchings give a general resemblance, but we must carefully distinguish the outlines from the filling up. He who looks on a landscape, or she who gazes round a *salon*, for the purpose of making a picture, with pencil or pen, does not see things as they really are. There is too much picturesqueness in an artist's eye, to allow him or her to give nature as it is, inanimate or living. These modern descriptions of fashionable life are about as like the reality, as the vapoury and wiry but brilliant engravings in the annuals. The travellers who are familiar with the scenery of Switzerland, the Tyrol and the Rhine, and the *habitués* of the society of Grosvenor Square, St. James's and May Fair, wonder at the ingenuity which has made their portraiture in prints and books so like and so unreal.

It is very clear that the *Désennuyée* has mixed in the scenes which she describes; she does not write in ignorance. There

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is also perhaps something like a moral shadowed forth in her work; and she has made as much of her common-place characters as could well be made of them within her limits. But her task was no easy one. She dared not risk her own exclusion from the paradise she paints. Afraid of appearing too well versed in its secrets, she seems to have nibbled at, but not swallowed, the fruit of knowledge. She is a keen and quick observer. There is a pococurante sarcasm in her manner. She lays on the lash, with a smart but delicate touch, just enough to quicken the pace, and awaken the spirit of the animals she takes in hand; but there is none of the double thonging or sawing of the bit, which either works the vice out of a team, or gets the driver kicked from the box. To quit metaphor, such books as these do not one jot of good towards reclaiming the errors of high life. They but

> Provoke the caper which they seem to chide.

The very individuals who may see, or fancy that they see, their likeness in such a "glass of fashion," are pleased at being shown to the world, even in the somewhat exaggerated tints of "exclusiveness." The person who has a pride in notoriety will never be averse to a fancy portrait being taken for his own, even though it be a little overdressed, or underdressed, provided it is gazed at with admiration by the crowd.

The *Désennuyée* is, perhaps, no respecter of persons; but she most certainly is so of *personages*. Kings and queens, princes and princesses, are brought before us with most reverential decorum, in actual "robes of light," as if the vulgar habits of real life were too clumsy for them. We have St. James's and the Tuileries in a flood of sunshine; and indeed high life, in every phase in which it is viewed by this writer, is so dazzling, that we cannot distinguish the spots which she tells us are on its disk. But the glare is on the whole fatiguing; and, as we said at starting, we scarcely know on laying down the book whether we have been satisfied or dissatisfied by these flashy but flimsy sketches, more amused by the talents of the authoress, or sorry that they should be so profusely frittered away.

We shall give a few extracts. The following sketches will be recognised by many, and give offence to no one.

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"We came back from Ascot, tired, dusty, thirsty, sunburnt, cross; and doubly cross at finding ourselves engaged to a late dinner at old Lady Burlington's. But the dinner revived us. The room was cool; the party, intelligent and chatty. I heard the dowager say to L———, who sat next her at table, 'I have been moving heaven and earth this season to get that Lord Hartston; but he will not be had. I have written to him, and told him I was godmother to his grandfather; I have been *at* him through every living creature of his acquaintance, from his sister to his boot-maker; but the man is inflexible. I fancy he is afraid of being decoyed into one of my lion-feeds; but I hope I appreciate him better. Fox, you know, was my great friend; so was Sheridan, so was Burke, so was Fitzpatrick; and I shall go miserable to my grave, unless Lord Hartston dines with me before the season is over.'

"'No; pray don't die while you have so good a cook,' said her neighbour, helping himself to an *épigrame de volaille piqué aux crevettes*. 'You only want Hartston as a novelty—in managerial phrase—to draw a good house for you. I cannot pretend to assist you, because he is my friend, and with my friends I never take liberties. But you shall have him in small change. I will procure you several stars of lesser magnitude, all newly discovered; a Pole who———.

"'Not for the universe! In spite of our dear Lord Dudley, those Poles are quite *rococo*.'

"'A Pole whose hands were worked off in the mines of Siberia. He goes about in hanging sleeves, and has trained a poodle to fetch and carry for him. I believe he was a Bedouin last season—*mais c'est égal*. Then you shall have a dandy American, talking fashion, Shakspeare and the musical glasses, in a style to make the fortune of a Margate M. C.; and, *par supplément*, a fine lady novelist, who sends you her new work with a little perfumed billet, begging you will 'nothing extenuate, nor set down aught in malice.'

"'Thank you, thank you,' cried the old lady, beginning to see through her friend's *persiflage*, 'I will not trust to *you*; I shall try and engage the influence of Mrs. Delaval's bright eyes. Mrs. Delaval, my dear, are you acquainted with Lord Hartston? Yes, now I think of it, you *must* be. You both came into fashion about the same time; and I know he is *fauflé* with that good-looking disagreeable brother-in-law of yours, who lives in Park lane.'

"'New Norfolk Street,' insinuated one of her neighbours.

"'Never mind where. I really wish, my dear, you would get me presented to him.'

"'To my disagreeable brother-in-law?'

"'No, no; the other. Tell him I have the greatest respect for him, and so forth; and that I was the friend of Fox, Burke, Windham and so forth: and that I hope to have the honour of seeing him at dinner, either the 26th, 27th, 28th, 29th of June, or the 7th or 8th of July.'

"'I am sorry to say, I have not the pleasure of knowing Lord Hartston.'

"'Haven't you? How stupid!—he would have made a charming match for you. By the way, my dear child, they say you are to marry Lord——what's the name of the man who has that fine property in Yorkshire?'

"'There are so many men who have fine property in Yorkshire.'

"'But I mean that man with mines, or iron-works, or quarries, or something or other; the man who wears a great bush of hair, as if his ears had been cropped.'

"'Your Ladyship means, perhaps, Lord Penrhyn?' said some one, taking pity on my confusion.

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" ' Do I? I dare say I do. Salmi,' turning to her *maître d'hôtel*, ' remind me to ask Lord Penrhyn to dinner as soon as his grandfather has been dead a fortnight.' And, fortunately for me, in the discursiveness of her ideas, she had already forgotten the matter which brought him on the tapis. ' I will have the Percies to meet him. And now, *mes bons amis*, that the ices are on the table, I give you all leave to talk about Ascot. Had I not interdicted the subject during dinner, I should have heard of nothing else; and I detest races. I have not been to a race these sixty years.' "—(Vol. I. pp. 194—198.)

* * * * * * * * * *

" ' How do you do, my dear child?' said old Lady Burlington, examining me from head to foot with deliberate scrutiny, when I went yesterday to deliver her a little packet from Madame de la Vanguyon. ' I am examining to see whether there is any thing about you new and striking enough to make you worthy of a very, very *récherché* little dinner I give to-morrow. We are sadly in want of something new this season. The saints, you know, are quite out of fashion. That sad business of the dear good doctor's threw them into *mauvais odeur*; and now, scarcely a soul one knows goes to the Lock, except the old Marchioness who is *imbécile*, and the two old Lady Jigmarees, who can't afford an Opera-box this year,—and want amusement. I have nothing young and pretty on my list, just now, that satisfies me. Mrs. Crowhurst is grown too shocking. People won't meet her. Are we likely to have any good foreigners from Paris?"

" ' Princess Dragonitski talks of coming.'

" ' Don't let her think of such a thing! She was worn threadbare before she went away.'

" ' And there is a very pretty Princess Zabuschka, who will be here soon; a Pole, and who, unlike the Poles one finds and expects to find, is enormously rich. Her emeralds alone are said to be worth several millions of francs.'

" ' Say guineas wherever you talk about her, and I will invite her the day she arrives to all my parties for the season!—She will be the very thing for me. Is there a Prince?'

" ' Two or three, I believe; *c'est à dire* that, *selon la mode de son pays*, she has divorced several times.'

" ' Charming, charming!—almost as good as the Duchess of ——, at Vienna, *qui se ruine en maris*. Sit down, then, at that little table, and write me a pretty little note, to be given to Princess Zabuschka the moment she arrives.'

" ' But I know neither when she will arrive, nor where.'

" ' Never mind, it will be better to have the invitation ready, and all such people go to Grillon's. Don't touch those new pens, they are for ornament. You will find some mended ones in the drawer. My page mends me a dozen every morning before breakfast, while he is learning his catechism. There—— now direct it, ' Madame la Princesse Ramboosko.' Why do you fold your notes in that odious way? I never open notes folded that odious way. No one folds notes that odious way but Lady Hoogley and a vulgar niece of mine, (what is the woman's name?) Lady Thingamee in Brook Street. Good morning, my dear, you can leave the note for me at Grillon's as you go past.' "—(Vol. II. pp. 199—201.)

There are occasional passages in which acute observation comes clothed in smart language, but we must not look for any very deep research or sifting of a subject in such remarks as the following.

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"——— I have lately been trying to investigate the nature of the charm which renders Paris so favourite a sojourn of the English. In point of gaiety (for gaiety, reading dissipation) it affords nothing comparable with that of London. A few ministerial fêtes every winter may perhaps exceed in brilliancy the balls given in our common routine of things; but for *one* entertainment in Paris, at least thirty take place *chez nous*. Society is established with us on a wider and more splendid scale. The weekly *soirées*, on the other hand, which properly represent the society of this place, are dull, meagre and formal to the last degree of formality. There is no brilliant *point de réunion* such as Almack's; no theatre uniting, like our Italian Opera, the charm of the best company, the best music and the best dancing. Of the thousand-and-one theatres boasted of by the Parisians, only three are of a nature to be frequented by people of consideration; the remainder being as much out of question as the Pavilion or the Garrick. Dinner parties, there are none; water parties, none; déjeûners, unless given by a foreign ambassadress, none. A thousand accessories to London amusement are here wholly wanting. In the month of May, I am told, the public gardens and the Bois de Boulogne become enchanting. But what is *not* charming in the month of May? Paris, perhaps, least of all places; for, at the commencement of the month, every French family of note quits the metropolis for its country-seat, or for sea or mineral bathing. Foreigners and the mercantile and ministerial classes alone remain. *La finance et la bureaucratie! triste ressource.*

"What, then, I would fain discover, constitutes the peculiar merit of inducing persons uninstigated by motives of economy, to fix themselves in this comfortless and filthy city, and call it Paradise? Alas! my solution of the problem is far from honourable to the taste of our absentees! *In Paris, people are far less amenable than in London to the tribunal of public opinion!*

"The custom of living in suites of apartments, either in a public hotel or a furnished house, renders people independent of the *surveillance* of their servants and of each other. Among the well-regulated establishments of a good street in the better quarters of London, every action, every gesture, every visit received or refused, is known and commented upon, not only by your next-door neighbours, but by the super-abounding, and therefore idle, servants of a dozen others. The lazy butler of No. 36, yawning on the door-steps during the daily drive of his lady, and comparing notes with his brother corkscrews of No. 35 and No. 37, has nothing better to do than communicate intelligence of my lady's flirtations, or my lord's unpaid bills, to be circulated round the neighbourhood. In Paris he would be dusting chairs or washing china; for not a hand that is not super-abundantly tasked is retained in French establishments.

"Personal allusions, moreover, are inadmissible into the newspapers. No vulgar appetite prevails for learning the number of guests or *entrées* at the dinner of the Marquis of This or Baron the Other—the fiddle-faddle particulars of ladies' toilets, or the comings and goings of the aristocracy and aristocracy-aping mediocracy. There is infinitely less of the servile spirit of lackeyism among the middling and lower orders. A French haberdasher knows what the journals of the day relate as the last firman of the grand signor, but cares not a rush whether the noble duke, lodged in the first floor over his shop, is married or single, or about to commit matrimony; while a French footman talks to the *frotteur*, dry-rubbing your apartments, of the order of the day in the Chamber, or the pictures at the Exposition, instead of the improprieties he may have noticed while lounging away the night in the hall at Willis's.

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"Even in the most frivolous society, conversation rarely takes a personal tone. Scandalous gossip is regarded as eminently vulgar. The men talk politics—the women, dress—seldom or never, the affairs of their neighbours. Whether public morals derive improvement from this security from that minor yet influential public tribunal,—the voice of society,—may perhaps be doubtful, but it is certain that not a few of the English are well content to be emancipated from the *obligato* suit of buckram worn in London, and the hypocrisy induced by the consciousness of being always under review—always perched upon a judgment-stool—always subjected to the scrutiny of the steward's room, the servants' hall, the malignations of the fashionable school for scandal and the branding-irons of the weekly press! Peerages, baronetages, magazines, annual registers, render the United Kingdom familiar with the births, deaths and marriages—the divorces and delinquencies—nay, even the balls and masquerades of the privileged classes of our own country. In France, each lives secure from observation in his hotel, as a marmot in his burrow, till some escutcheoned hearse, ascending to the heights of Père la Chaise, proclaims to the cobbler who for thirty years has mended shoes as porter to the mansion adjoining that of the defunct, that *sa seigneurie* his neighbour is no more!"—(Vol. II. pp. 104—109.)

Of the slight personalities and significant allusions which abound in the volumes, we should not complain, as long as they bore on the *précieuses ridicules*, which came naturally on the path of an imaginary fine lady in fashionable life. But we object to the authoress throwing aside the veil of a *nom de guerre*, and attacking Mrs. Jamieson for bad taste or Mrs. Trollope for bad manners, and in a way which betrays a mere jealousy of books, to say the least, as interesting and as clever as her own; while a "Scratch me, and I'll scratch "you," spirit is allowed to show itself, in certain insidious puffs of a pair of brothers, not unknown in literature, or the legislature, and of whom we have on former occasions freely given our opinion in a passing phrase or two. These *professional* touches are calculated to provoke shrewd guesses as to the maternity of the "Diary." But as that is of small import to the reader, and as its concealment may be of consequence to the writer, we shall leave her in all the mysterious dignity of the anonymous, to the conjectures of blue ladies and gentlemen "in black."

With the "Recollections of an Artillery Officer," we wish to deal leniently. A gentleman and a soldier having, from "a truant disposition" or other causes perhaps as much out of his controul, abandoned the profession of arms to enter on the career of the stage, excites a feeling of forbearance, and checks any severity which his work might of itself provoke. Mr. Hill, in a note incidental to one of his military recol-

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lections—that of his disappointment at not receiving some mark of distinction from the king of Prussia, speaks as follows:—

"I have presumed to be thus particular in mentioning events on which my future fate so much depended. What trifles determine our destiny! A tiny cross and an inch of black and white riband would have bound me to the service for ever. I should have had the opportunity of wearing it in the West Indies, Ceylon or Canada. Such an amulet, doubtless, would have preserved me from yellow fever and the thousand other ills of colonial service. I should now have been half way up the list of second captains, after twenty-seven years' service, with the consolation of knowing that, if I lived ten years longer, I should command a company. How, therefore, can I be sufficiently thankful that the honour I then so eagerly craved was denied me? Instead of dragging on a miserable existence, in some detestable climate, I am happy in my own dear country; no longer subject to the tiresome routine of garrison duty, I have duties to perform that are pleasures to me."—(Vol. II., p. 183.)

The style and the taste of this passage are both highly objectionable. It is an imperfect development of a not very creditable sentiment. We trust that the feelings which influence the great majority of the British army are far superior to the poor vanity here confessed to, and which forms so strong a mark of contrast between the military men of other nations and those of our own.

The public has been long since wearied of mere dramatic memoirs. Military and naval recollections, associated with the stirring incidents of foreign warfare, have a more enduring interest, and the man who can cleverly throw a dash of theatrical effect into the recital of campaigning adventures, will probably keep his hold with the public, if he take the public on the proper ground.

A few short samples will give a just notion of this author's amusing style, and of the nature of his stock:

"Great was my satisfaction, on the morning of the 4th of November, at learning from the steward that we should be at anchor in Carlisle Bay shortly after breakfast. I leaped from my cot full of joy at the thoughts of being once more on shore, completed a hasty toilet, and ran on deck; nothing, however, was to be seen but a dim indistinct line on the horizon. Barbadoes is a remarkably flat island, and invisible till you are close in-shore. Through the signal-midshipman's glass, I fancied I saw cocoa-nut trees: as these do not spring out of the ocean, I was satisfied we were approaching land.

"'Well, thank Heaven,' I said, as I sat down to table, 'we shall have some milk with our breakfast to-morrow.'

"'Ay, and soft tommy too,' replied Fletcher, 'and plenty of capital things

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besides. Plantains, alligator pears, fresh eggs and butter, my boy, think of that, and instead of the steward, a pretty little black girl to wait upon you, that's worth thinking of.'

" Many edifying remarks were made on the latter part of Fletcher's catalogue of luxuries, which I need not here repeat: suffice it to say, that all hands were delighted at the prospect of again enjoying the happiness of female society.

" ' How long d'ye think it will be before we can think of going on shore?' demanded one of the party.

" ' Some time yet,' said Fletcher; ' so take my advice, have all your clothes ready for the wash, as, long before we cast anchor, we shall be boarded by some of the fair sex, begging for the honour of getting up your linen; and mind, you officers, count every thing you send, one by one, because these ladies charge by the piece, just as much for a frilled shirt as a single stocking.'

" We followed his advice, and, speedily after our arrangements were completed, a boat-load of black, brown and whitey-brown beauties came on board, and most of these made their way to the gun-room.

" ' Ki! only tink of dat!' exclaimed one, exhibiting a beautiful set of white teeth, ' if dar no be Massa Fletcher;' tought you belong to de Cressy, neber tink to see you gen so soon. Me berry glad, pon a word and honour. You gib Sabina all your tings, she bleach em white as snow, and make collars tand tiff.'

" One of these ' God's images cut in ebony' sidled up to me.

" ' How you do, Misser Tillery officer? Come to stop Barbadoes? Bery nice place—great many tillery here now—bery fine men. Me happy to wash you, sar; my name Miss Phillis, lib in Bridgetown, but bring eberry ting for you to Saint Ann's if you please.'

" ' Well, Miss Phillis, I don't happen to know Saint Ann from St. Matthew just now, but if you will tell me where you live, you shall have them.'

" ' Me lib, sar, close to big store, formly belong to Miss Mary Bella Green—she dead, poor ting! My house next door to the Wesleyem chapel. Me no go dere, sar, 'sure you, hate all de Willyforce niggers, dat go sing psalms wid Buccra passon, no white surplus on him back.'

" Any further conversation with my orthodox friend was interrupted by the intelligence that we were nearing the shore, which led me again to the deck." —(Vol. I., pp. 276—280.)

* * * * * * *

" I had returned to the ship in no very placid temper; and, after informing my men the reason of my coming, and assuring them my visit should not be useless, I went down to the gun-room. Here I found two or three of my naval messmates in animated conversation with a lady, who received their attentions with an amiable condescension. She was attired in a loose chintz gown, of large and very gaudy pattern; her head-dress was formed of a handkerchief, so arranged as to add nearly two feet to her figure;' and which I afterwards learnt, on the authority of the *Petit Courrier de Dames*, is called *Tête à la Créole*. A massive gold chain encircled her neck in numerous folds, and attached to it hung the portrait of a naval officer.

" That the lady had passed the grand climacteric was evident from the absence of flesh upon her face, neck and arms; still there was a fascination in her manner, that at once banished from your thoughts her African origin.

" The moment I entered, she graciously favoured me by an inclination of her head, seeming to imply, ' Don't let my presence drive you away.' Fletcher intro-

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duced me in due form, and I learnt that I had the felicity of being made known to no less a personage than Lady Rodney!

" 'Glad to see you Barbadoes, sar,' her ladyship drawled forth, with that indolence of speech so usually found in Creoles. 'Ebery body knows Lady Rodney—always brings de best of ebery ting to de officers. So tell what you like hab, one of my slaves shall fetch it for you.'

" 'I require nothing at present, my lady; if I should, I will take care to let you know.'

" 'Me hab de finest Guava jelly, hottest ginger, biggest alligator pears, and grandest melons in all Barbadoes. As for 'tother people, come alongside 'tend to sell tings, dem all parcel d—m rogues, thieving woolly-headed niggers dat steal tings, and sell em for dirt; but I keep plantation and store for self, sar. Me know what's good for yam—me know what's good for drinkey too; hab some old rum tome, make you cry Bah! not nassy hot tuff burn poor Buccra's liber, and make him mad drunk; me savez better nor dat, sure you, sar.'

" 'I say, old lady,' said Fletcher, 'don't forget to bring some subaltern's butter, and lots of eggs and milk, in good time for breakfast—d'ye hear?'

" 'You no casion bawl so loud, Misser Fletcher; you really make me nerbous, wid your noise.—Member, sar, der difference tween delicate lady, and one your sailor men.'

" 'Ay, ay, my lady, I beg pardon; but, I say, let that artillery officer look at the miniature; I see he wants to overhaul it.'

" 'Me take him off, sar, rectly, and show him wid pleasure,' and she unclasped her golden cable—'dere, sar, dat's picture of my dear Lord Rodney; he gib him to me wid his own hands in de year 82, just after he tump de French. Me bery piccaniny little ting den, but Lord Rodney lub me dearly, and make me his lady.—Dere you see him look you full in de face—you not able see his back. I know ebery bit of him sweet figure; and by Gor, I tink I neber saw a man wid such a large pig-tail in all my life—he always wear pig-tail, me tie him wid ribands bery often. Oh, he really clever body! But no use cry now, he is gone to glory, up in heben—me go to him 'fore long—see him again, me sure. Hope to Goramighty he no cut off him pig-tail, cause me know him mong a hundred, 'twas such a big un. Well, I go shore. See you again to-morrow. Good by, genelmen.'

" Assisted by the gallant Fletcher, her ladyship left the gun-room. What she had said about her being a favourite of the hero of Saint Eustatius was strictly true; he had not only presented her with his portrait, but sufficient money to purchase her freedom. Her *liaison* had rendered her extremely popular in the navy, and a preference was given to her by the king's ships, in purchasing fruit, &c. She was very industrious, although her manner betokened little energy. In the progress of time, finding her business increase, and assistants needed, she bought two or three slaves, to whom, it is said, she was a most indulgent mistress; making it, however, a point of duty that they invariably addressed her as Lady Rodney, which style and title she also rigorously exacted from her customers.

" Vainly regretting my hard fate, which had condemned me to remain on board in sight of land, the day passed heavily. Before breakfast the next morning, Lady Rodney came alongside, having made a slight variation in her costume. Instead of the enormous *tête* of the preceding day, she now wore a white glazed hat, on which the prince's plume was depicted, surrounded by a blue riband, bearing the word 'Cressy' in letters of gold. This *chapeau* had been

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given to her by our present commander, on his last visit to the West Indies, and was sported by her ladyship in compliment to the donor. She proved herself to be a woman of her word, by the ample supply of exquisite fruit which she had brought."—(Vol. I., pp. 287—291.)

The following is the portrait of a Kentuckian hero, encountered by our author, after a skirmish near New Orleans:

"Returning from the river side, I perceived a tall figure approaching me, whose appearance I think worthy of description. He was a young man, of about two or three-and-twenty, good-looking, but pale from a recent wound, indicated by his arm being tied up in a pocket-handkerchief, somewhat the worse for use; his hair was dark and long enough to reach his shoulders; he wore a high conically-shaped hat, which, from its napless state, had perhaps been handed down in his family from the days of the arch-hypocrite Oliver, and worn now as an appropriate covering for one who would have been, 'when that old hat was new,' a fitting representative in the Rump parliament. His dress consisted of a coarse reddish-brown cloth coat with huge metal buttons, a waistcoat of deer skin and trowsers of thick dreadnought. This singular biped came up to me with a strange shambling gait; and, after clearing his mouth of a quid, followed by two or three copious expectorations, he with a strong nasal twang thus addressed me:

"'I say, you Britisher, I calculate you 're a doctor?'

"'No, I am not; but, if you want a surgeon,' I replied, 'I will show you the way to the hospital.'

"'Want a surgeon! I guess I do most tarnation bad. I require to have my arm cut off, for it's beginning to stink, I calculate, and that's what I do not mean to submit to on no account.'

"'My good fellow, I hope there will be no occasion for such a violent measure as amputation; where were you hit?'

"'Why in the wood just here away, at the back of this God damned plantation.'

"'I mean, where is your wound?'

"'Slick right through my elbow jint, I guess; and ever since I got the knock, which was the night your folks first showed, my arm has been so everlasting stiff, I calculate I shall never more use axe or rifle with it.'

"'Come, come, don't be afraid of—'

"'Afeard! who the hell ever knew me to be afeard of man or beast? No, no, young stran-ger, tay'nt our way in the woods. I was reared in old Kentuck, and afore I was ten years grown, I've stood to have a tin mug knocked to immortal smash off my head by a rifle ball, just to show there was no want of pluck in Ebenezer Bruce, and I do make so bold as to say they found that out 'tother night, when your 'tarnal creatures mowed us down pretty considerable thick. I couldn't help thinking, when I found myself wounded and taken prisoner, what hell fire luck my brother Bob had in stopping at home, although he was appointed *ensine* to our company of Rifles only the last time we mustered, I guess.'

"'What prevented his joining, at a time he was so much required?'

"'Oh, I calculate he was sparking, and wouldn't leave his gal, no how.'

"'Well, Mr. Bruce, as I understand that is your name—'

"'Bruce is my name, I guess, and father's before me, which you may think stran-ge, but I don't.'

"''Tis a very ancient and noble name; doubtless you can trace your descent from the great Robert Bruce, King of Scotland.'

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" 'There you make a most damnation misapprehension; if I thought father had a drop of king's blood in his veins, I'd cut his heart out; no, no, he comes of honest folk, gran-father and gran-father's father were weavers in Glascow, North Britain, I guess: why, bless your eyes! father only left the old country five years before I was pigged, as mother calls it, 'cause she had two on us in the same litter.

" I conducted this original to the hospital tent; his arm was immediately examined, and although the 'knock,' as he termed it, was a severe one, still all idea of amputation was abandoned, and I had the satisfaction of encountering Ebenezer some days afterwards, who spoke of the English doctors having saved his 'precious limb' in most grateful terms."—(Vol. I., pp. 323—326.)

And with the following *pendant*, a sketch of a field-officer of the United States' army, we shall take leave of the book:

" The following day I returned to the Norge; and on the 7th inst. we came in sight of Fort Bowyer, our first object of attack. During the three following days, troops were landed at a slight distance to the eastward of the point, and I was again in full operation, superintending the formation of the park of artillery. The Fort stood on the extremity of a narrow neck of land, called Mobile Point, and appeared well calculated to defend the entrance of the Bay. The adjacent ground was thickly covered with sand, of immaculate whiteness, broken here and there by large tufts of palm or fan grass, and a few scattered pine trees. A huge sand hill, within excellent range, was speedily converted into a battery, and some heavy guns placed in position. Thus prepared, it was determined by General Lambert to summon the fort on the morning of the 11th: Major Smith, with a flag of truce, advanced for that purpose. The American officer, who replied to the summons from the parapet of the fort, requested till two o'clock the next day to consider terms, but as such delay could not be allowed, he was forced to capitulate. The gate of the fort was accordingly given up to a guard of British troops, the American flag lowered and the Union Jack hoisted.

" Next morning the garrison marched out and laid down their arms, surrendering a pair of handsome colours belonging to the second regiment of United States' Infantry. Colonel Dickson desired me to obtain from the late commandant the flag of the fort, as the one lowered on the preceding day was only a 'foul-weather Jack.' I immediately walked towards Colonel Lawrence's quarters, tapped at the door, and with as much respect as possible told him my errand.

" With a coarse brutality of manner, very unlike anything I had before seen even in low life, he replied—'I calculate, you see I'm pretty damned busy now—you had better come when I'm able to hear what you have got to say, mister.'

" 'Will you be pleased,' I replied, 'to name the time that will suit you, sir?'

" 'How the infernal hell can I tell? You seem in an Almighty hurry, I guess.'

" 'Not at all, colonel; I will return in half an hour;' and bowing, although he had not condescended to rise or return my salutation on entering, I left him. Until the expiration of the time I had named, I amused myself by walking up and down the broad wooden platform which ran round the fort, beneath which rude sheds were constructed as sleeping rooms for the soldiers of the garrison;

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the officers were accommodated with large tents, to which chimneys of brickwork had been added. It was impossible to pass these canvass tenements without hearing what was said inside them; and, most undoubtedly, the language used by Colonel Lawrence to every person he addressed was of the grossest and most ungentlemanly description. It was evident he was not in an amiable mood, from the frequent 'God d———d and everlasting'—'hell fire'—and 'eternal hell!' phrases that he liberally scattered through his conversation. The half hour having elapsed, I presented myself once more at his door: tapped again: it was disregarded, or unheard, in the war of words in which he was engaged, for distinctly did I hear the irate colonel exclaim—'I guess, major, you are telling a tarnation, everlasting, God d———d lie!'

"'I calculate, it's gospel truth,' was the reply, 'and I've a pretty considerable notion *that* you'll find out to your cost, as soon as I report matters to Congress, colonel.'

"Unwilling to play the eavesdropper, I knocked more loudly and walked in; the Columbian Chesterfield stared at me like a wild cat and, without removing the cigar from his mouth, said,

"'Well, what do you want here, mister?'

"Determined to preserve my temper as long as possible, I repeated what I had before told him.

"'You don't seem much to care about interrupting me, I calculate, or you would wait till I was in the mind to give you an answer.'

"'Sir, I have waited, and will again, as I wish to treat you with every possible respect: at the same time I must fulfil my duty. If you will have the goodness to let any of your officers show me where to find the flag, I shall not trouble you with my presence again.'

"'I can't exactly say where about the colour is put just now, but it is to be found, I guess, if you use your eyes. If you can't lay hands on it, come back to me again in an hour; by that time, I calculate, I shall have shirted, and then I can make an *en*quiry about it.'

"I bowed and left the colonel to his toilet, although his appearance bore not the least indication that he was in the habit of devoting an hour to such purpose; it was evident that if by *shirting* he meant changing his linen, that did appear a measure on which he had taken sufficient number of days to deliberate. I inquired of some of the non-commissioned officers of the American regiment if they could afford me any information about the flag, but they did not choose to be communicative, although their manners were very superior to those of their commandant.

"I began to suspect that Colonel Lawrence did not intend we should possess the trophy at all; and whilst cogitating on what measures were the best to adopt I perceived him in company with Captain Skene of the navy, descending from the platform towards the gate, and learnt they were on their way to the Asia, the ship appointed to receive prisoners of war. Stepping between them and the gate, I arrested their progress, saying,

"'Colonel Lawrence, I have waited on you twice for the flag of this fort, which you have declined delivering over to me. It is my unpleasant duty to tell you, that you shall not leave this place until you have given up that flag.'

"'Oh hell! I forgot all about that: here, mister,' he said, unlocking a small box at the foot of the flag-staff, 'there it is, I guess.'

"And he threw the roll of bunting to me with an expression of ferocity

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and mortification. Having gained my object, I pulled off my hat to Captain Skene, apologized for having detained him, adding that I had nothing farther to say to Colonel Lawrence : he was now quite welcome to depart."

Upon an attempted perusal of the next of our *ventures*, No. IV., we can only utter a two-fold parody on Burke's well-known apostrophe to liberty, and exclaim, Oh, poetry ! what trash !—Oh, philosophy ! what stuff is printed and published in your names !

" Adventures—philosophy—poetry"—all in one title page, was, it will be admitted, enough to excite the curiosity of even an oft-entrapped reviewer. " What's in a name?" exclaims some stoic, inclined to laugh at our simplicity. To which we reply, without completing the quotation, that though perfume is persuasive however uncouth its appellation, a poppy or a polyanthus, under the false designation of a *rose*, would by no means smell so sweet; and that every undue assumption of literary dignity stinks in the nostrils of fair criticism. We are therefore forced to brand, as utterly worthless, a production, which, if modestly called " a trip" or " a visit" or " an excursion," would have quietly found its unnoticed way to its natural bourne— the trunk makers. But in another point of view it furnishes one of those instances in which writers afford amusement without intending it; whose gravity provokes gaiety, as Romeo Coates and Liston nearly convulsed the audiences with laughter, when they seriously appeared as Lothario and Romeo. No extract of moderate length could suffice to give a thorough notion of the poverty of these pretending volumes; but a few of *their* sentences will, we think, justify that one which we have pronounced on them.

When this traveller landed at Elsinore, it appears he " did not " know a word of Danish," (Vol. I. p. 7), yet he had the sagacity to discover that the inspector of the Douane (to whom he spoke English, and who naturally expressed himself in his native language,) " maintained an opposite argument " to his. On which he sapiently remarks, that " as neither understood " a word the other advanced, we might have gone on arguing " till the present hour, without either being convinced." But, on our traveller attending divine service in the Lutheran

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church, his want of knowledge of the language was fortunately not so great an inconvenience as at the custom-house. "The clergyman," he tells us, "had a quiet earnestness of "manner, and a persuasive eloquence that pleased and "attracted. I admired his discourse, though I did not "understand a word of it."—(p. 19.)

We think this a proof of an easily pleased and amiable disposition; and an expression further on (p. 143), convinces us that our author is, beyond doubt, a warm-hearted man, for he assures us that had he treated the peasants with rudeness, it "would have given him the heart-burn for two days after."

"The want of literature in Denmark," says he, "is evinced "by the shops; all the articles for sale are painted on long per-"pendicular boards, placed on either side the door. Gloves, "handkerchiefs, stockings, &c., are represented with very "superior skill." (Vol. I., p. 10.) Now though this affords manifest proof of cleverness in the arts, we do not see how it is indicative of literary deficiency. It is, at any rate, an ungracious construction on the part of a traveller who, without such graphic notifications, might have gone gloveless and stockingless on his way.

Little of importance occurred to our "philosopher" till he came to Copenhagen, where he found that "some of the "squares are rather oval than square." (p. 41.) Also, that, "about one hundred and seventy years ago, red hair was "esteemed in the Danish court one of the most attractive "features." (p. 42.) Besides which, he ascertained (we forget exactly where) that, "in all the countries of the north, the "current coin of the realm, for the most part, consists of "coarse paper."

So much for geometry, historical research and political economy. Great botanical knowledge must not be expected at our author's hands; for even as early as page 53 he exclaims with laudable candour, "I may as well confess "at once that I am perfectly ignorant of the distinc-"tions between monadelphias and diadelphias, syngene-"sias and gynandrias, of stamens united by the anthers or sta-"mens not so united."

But he cuts short the subject, after a few pages more of

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poetical and philosophical disquisition, by stating, that "the "only interest he ever felt in a garden, was when like "Diocletian he cultivated cabbages." If the emperor of old really did it *like him*, we will, in sporting phrase, bet the long odds, whatever they may be, that he was a sorry horticulturist.

Having seen every thing worth seeing in Denmark, our tourist proceeds to Sweden. But we must skip over some reflections far deeper than the sea which separates these countries, and more like those Chinese lakes mentioned by Marco Paolo, which though seeming shallow are really unfathomable, and satisfy ourselves—we hope our readers as well—with one profound remark, namely, that "many a fool, "had he possessed the advantages of others (query other "fools?) naturally scarce more vigorous than himself, would "have turned out no despicable character."—(Vol. I. p. 90.) We do not know to which category our philosophical, poetical and adventurous author really belongs, though he assures us he is "an old man, a foolish old man;" and we are really beginning to believe that even if he be a young man, he is *not* a very wise one.

Arrived at Gottenburg he was determined to proceed on foot, and "shouldering his knapsack"—which, as experienced pedestrians and old soldiers, we take leave to tell him might do very well for a firelock, but is a strangely inconvenient way of carrying a knapsack—he "walked along stoutly the whole of "the afternoon, chewing the cud of several curious reflections," some of those, perhaps, on which he had been browsing in the morning. But he was soon in peril from a strange risk, that of "external starvation," and of internal also it would seem, from the difficulty of swallowing "more than two or three "mouthfuls of black bread thickly covered with butter." But his hair-breadth escapes were not confined to those instances. "On one occasion," says he, "having no particular "object in view, I lost my way (a misfortune that usually "happened every day) with the greatest indifference."—(Vol. I., p. 129.) This is "the philosophy of travel" with a vengeance! But it is not to be indulged in with impunity, to the nervous system at any rate; for in a subsequent ramble among the Norwegian hills, it happened that

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"Once or twice, whilst passing an isolated rock, a white ptarmigan would spring up and whirr past me, causing me to sweat with apprehension; and my heart would beat violently for several moments after I was convinced that there was really nothing to be afraid of."—(Vol. II. p. 255.)

The "chimæras dire" which acted so powerfully on our author's imagination, were not however half so perilous to him, as he himself proved to be in one instance to a worthy clergyman who gave him shelter and hospitality. This kind old gentleman was taken ill in the night, and while the neighbouring village doctor was sent for, our traveller "proceeded to bleed the patient with a penknife." (Vol. II. p. 53.) The doctor, "believing that it was an ague, or "the measles or the quinsey," he had to deal with, "continued to pour into the patient's stomach (p. 55), an "essence of boiled grass and crushed cabbage stalks." But the tourist approving a more vigorous practice (though we really think the doctor's would have soon done the business), "ventured," when the doctor retired, "to throw his infernal "messes through the window" (p. 56), and producing his weapon again, "took about *a quart* (!) of blood" more from the poor parson; who, strange to say, after receiving from his nurse "a large bowl of corn-brandy and beaten eggs" (p. 57), "immediately fell back and expired."—(p. 58.) What a constitution this Norwegian curate must have had, to have lingered through five whole pages of torture, administered by a triumvirate whose deliberate ferocity makes that of those of Rome appear a joke!

We are now painfully forced to recall the opinion we gave, as to the author's kindliness of feeling; but we must do justice to his utility and good taste. Among several valuable hints for future travellers, we may cite the following:—

"The Swedes, in general, are much in want of crockery ware; they have very few basons or other utensils, or, if they possess them, they do not think them smart enough to be produced before a stranger. As to wash-hand basons and things of that description, they are quite unknown in the farmhouses and small country inns; and frequently, when I have asked for something in which to wash myself, the water has been brought in a small slop-bason, and sometimes in a plate!"—(Vol. I., p. 171.)

And now for a passage which might raise a smile of envy in the ghost of the late Lord Blayney, an author whose "*Forced* "*Journey through France*" should properly have been called "a forced-*meat* journey."

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" I may mention that at a place called Girdhem, where I spent a night, I met with excellent entertainment—beef-steaks, good soup, and several other things among which eatable bread was not the least prized. There were two dishes also that I often afterwards met with, and which are held by the natives in some esteem; one consisted of thin slices of a kind of sausage, and the other a composition of eggs, something like an omelet. I was wont to take a little of each separately, but had no great affection for either, till accident showed me that they were meant to be eaten together, and then they made rather a plausible compound."—(Vol. I., p. 105.)

The scenery of those northern regions has been often celebrated in the descriptions of Mary Wolstonecroft, Dr. Thompson, James, Lloyd, Inglis and other travellers; but to *our* tourist was reserved the good fortune to see it in sundry new and striking aspects. Nature, to his eyes, wore at times an odd sort of dress, and played curious pranks: for instance, he says:

" The Glommen, one of the finest rivers of Norway, issued " from a *vest* (qu. nest?) of mountains to the right, *over a* " *waterfall*, and came sweeping past me in a broad sheet" —a *winding* sheet of course. But though he does not state it in a special matter-of-fact way, he had the extraordinary advantage of wandering for a considerable period through a country in a state of perpetual motion—a rare phenomenon, thus solving a long-doubted mechanical problem in a perfectly natural way. To say nothing of the " falls of " Trollhatta," which, of course, were *rising*, *heaving*, *tossing* *leaping* and *chafing*, and some " mills which were moved by " water," we go to the wonders of another element, and we find that our author saw " an undulating landscape," a city " modestly retiring," (Vol. I. p. 2), " a bed of mountains " shrinking into the depths of their own gloom," (p. 95) " projecting rocks which turned the road from the river, and " forced it to wind round their base," (p. 104) " an abrupt " cliff of rock which sunk down almost perpendicularly," (Vol. II. p. 96) " stern gloomy crags approaching each other;" (p. 108) besides which, he " *met* with frequent ant-hills," (approaching *him* of course), " sometimes as large as a good- " sized haycock," (p. 104) which, no doubt, on the old snowball principle, increased as they came on, and probably like a rolling stone " gathered no moss."

Our author tells us that " writers beget writers." We therefore unfeignedly hope that if he be a single man, he may

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never be tempted to marry; or that his wife, should he have one, may prove most obstinately unfruitful. He moreover informs us (Vol. II., p. 282), that "something may be gleaned "even from the most insignificant work—something to imi- "tate or shun." And "on that hint" we are thoroughly resolved (notwithstanding our having made the best of our very bad bargain on this occasion) to eschew for the future the perusal of every book of travels, which comes recommended to us by so flattering, and so false, a letter of introduction as the title-page of his.

Article III.

Moyens législatifs de régénérer la Presse périodique, par M. Émile de Girardin, Député, 8vo.: Paris, 1835.

La Presse, Journal Quotidien, à 40 francs par an. Paris, 1836.

In the course of the half century during which France has incessantly pursued that revolution which is to lead her to the establishment of the representative system, she has passed through two very distinct periods, each of which has a marked character of its own. That protracted crisis has had its era of action, and its era of discussion; the first was introduced by the Constituent Assembly in 1789, and extends to the restoration of the Bourbons; the second began at the great European truce of 1814, and reached its zenith in 1830, in the popular triumph of the three days.

The epoch militant lasted for twenty-five years, in the midst of the vicissitudes of civil and foreign warfare, proceeding at one time by violent measures adopted in the name of the people, and at another by measures as violent which were executed by the government. The organisation of modern France was then successively carried on by the dictatorship of an assembly, the Convention—and of a man, Napoleon. That was not the time for a government of discussion, supported by oratory and by inquiry; in the midst of the storms of a revolution, the ideas of the time operate by the sabre and

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the cannon. But by a very natural reaction, a parliamentary epoch arrived to supersede that energetic influence which had hitherto prevailed. From the year 1815, the dominion of the legal, succeeded to that of the military, profession. The vigilant control of the Press got the better, in a few years, of the military habits of the government—of administrative despotism on the one hand, and, on the other, of plots, disturbances and secret societies. The Press became the preponderating power and the animating spirit of society; it has been the main organ of all that has been accomplished in France for the last twenty years; no authority has prevailed over that which it possessed, no exertions have saved what it has condemned.

The existence of this dictatorial power is accounted for by the circumstances of the country. In England and in the United States, where a representative government is firmly established, each political power occupies its appointed place without transgressing the legal limits of its sphere of action; the Press does not invade the province of the legislative Chambers, nor do the Chambers encroach upon the domain of the Press. But in France, the government is still at a stage of experiment and elaboration; it alternately reconnoitres the past and the future, seeking its equilibrium and its point of rest. The time is not yet come for it peacefully to work out its established principle, for that principle is still a matter of doubt and debate. As long as this experimental state of things continues, the constituted powers will have only a secondary importance, and the Press, which takes the lead and opens the road to discovery, will necessarily govern the country.

If the influence of the public journals is greater in France than elsewhere, it is also more contested; from its very birth, as it displayed a tendency to absorb every thing, nothing was granted to it without a struggle. No power has ever excited more alarm, has had more enemies, has survived severer trials, or has undergone more singular revolutions. From 1789 to 1830, the ordinary condition of the Press was a rule of censorship and oppression; the rare intervals of liberty vouchsafed to it, only served as halts to take breath in that adventurous campaign, every step of which was won by hard fighting. The power of the Press has grown by these trials;

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the bonds which were thrown upon it to check its movements have fortified its strength, and it has been spared none of the lessons of adversity.

The principle of the liberty of the Press, laid down by the Constituent Assembly in the Declaration of Rights, was decreed, on the 5th October 1789, in the following terms:—"La libre communication des pensées et des opinions "est un des droits les plus précieux de l'homme. *Tout "citoyen peut donc parler, écrire, imprimer librement*, sauf "à repondre de l'abus de cette liberté dans le cas déterminé "par la loi."

When we compare this broad declaration of 1789 with the charter of 1814, which virtually contained the censorship, or even with the repressive laws of September 1835, our readers may be tempted to imagine that France has in reality gone back. It may seem that she is less advanced in liberal principles at the present time, than she was at the outset of the revolution; and that her practical experience has by no means reconciled her to the necessities of a constitutional government.

Without excusing the (to say the least) useless severity with which the present government has treated the Press, we look upon the historical progress of free institutions in France for the last fifty years in a different light. When a revolution appears upon the political stage, it first puts forward its principles and starts with a Bill of Rights, under one form or another; for it is of the first importance that the nature and purport of the changes proposed should be rightly understood. Not that the end in view can be attained by a single effort; the principles thus introduced into the legislation have not yet penetrated into the minds of the community. But a vast horizon lies open to be crossed by the path of improvement, which is already laid down in theory through much that is dark and void; afterwards the design is slowly followed out in practice, and gradually assimilated to the model proposed*.

* We cannot write these lines, pointing out in general terms the order of mental endeavour in bringing about the slow completion of a national reformation, without being reminded of that noblest discourse of Milton, on the liberty of unlicensed printing. Hearken to the peal of eloquence which swells through this sentence:—"Behold now this vast city; a city of refuge, the mansion-house "of liberty, encompassed and surrounded with God's protection: the shop of "war hath not there more anvils and hammers waking, to fashion out the plates

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In England the full and unconditional liberty of the Press as it now exists, was not recognised till some years after the revolution of 1688; the struggle to shake off the Licensing Act lasted for fifty years, and repeated efforts were made by William to re-establish it*. In France, when the Constituent Assembly proclaimed the liberty of the Press, the political Press did not exist; the decree which recognised it, called it into being at the same time. But the Constituent Assembly

" and instruments of armed justice in defence of beleaguered truth, than there " be pens and heads there, sitting by their studious lamps, musing, searching, " revolving new notions and ideas wherewith to present, as with their homage " and fealty, the approaching reformation; others as fast reading, trying all " things, assenting to the force of reason and convincement. We reckon " more than five months yet to harvest; there need not be five weeks, had we " but eyes to lift up, the fields are white already."

Such was the language in which the Areopagitica, in 1644, addressed the Lords and Commons of the Parliament, and described the great mental revolution then going on in England; maintaining that the liberties of the Press were the most sacred of the rights to be recovered by free men. Yet with such a cause and such an advocate, the freedom of this " summum et ultimum donum" (as Luther styled the printing press,) was not entirely recognised and assured, till the close of that century. Though the fields were already white, the gathering of the harvest fell upon other and distant times.

It is however curious to observe that Milton whilst he establishes the principle of the free interchange of opinions with amazing power, is so carried away by this noble rage, as wholly to neglect the natural divisions of his subject. He confounds the Press as a political instrument with the Press as the imperishable depository of learning; in the heat of his defence he borrows arguments against this " cautelous enterprise of licensing" from the States of antiquity, where no written discourse could be rapidly reproduced or very widely disseminated; and when the drama and the oration were the only forms of political satire and argument. For although Milton, as well as the originators of the French revolution, believed that the free interchange of human thought was to change society and improve the world, yet both he and they were ignorant, in their respective age and country, of the real nature of the machinery by which that commerce of opinions was to be made universal. The mechanical perfection of the mere art of printing was speedily attained, but the social combinations to which it has given rise, have required the practice and experience of centuries.

* The liberty of the Press cannot, strictly speaking, be said to be established in the law of England at all; for although the Licensing Act was abolished, the Law of Libel (originally emanating from the judicature of the Star Chamber) is still an instrument by which any government might punish any kind of animadversion on its acts, by means of special Juries. But the liberty of the Press exists in England, as so many of our most precious constitutional rights and institutions do exist, not defined or protected by written law, but secured by the traditions of a free people, and by the general law of enlightened public opinion.

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understood so little the formidable importance of the power to which it gave birth, that no distinction was made between the various modes of publication, and no greater securities were required for newspapers than for books and pamphlets. Not only was the periodical Press a stranger to the habits of the country, but the public were not prepared for it. Violent and witty pamphlets were written, but no one had learnt either to write or to read a journal. The *Moniteur*, an official paper, began, in this respect, the education of the whole community. No journals were previously known except the Mercure, the Gazette, and the Courrier de Provence, which had been the depository of Mirabeau's harangues, before the opportunity had arrived for launching them in debate.

Mechanical means were as much wanting as the intellectual demand and supply. The hand-printing-presses of that time were ill-fitted to the rapid dissemination of ideas; the stenographic art, by which writing flows as rapidly as speech, was then little known. The writers who analysed what had occurred in public assemblies, seasoned their narratives with jokes, personal invective and various commentaries. A journal was, in fact, an individual who united and confounded all the several branches of the work in his own person; it was Marat, or Hébert, or Camille Desmoulins. The rapidity and acerbity of the pamphlets of the time were suited to the taste of a crowd which lived upon excitement. But the journals of the present day, with their immense system of news, their rapid but substantial comments on events as they occur, are complicated machines worked by an immense number of springs; and France in 1789 was not yet arrived at the degree of mechanical and intellectual culture, requisite to wield the sceptre of publicity.

The ignorance which then prevailed as to the resources and real destinies of the Press, is equally conspicuous in the acts of the government, and in the martial attitude of the public writers. On the 30th July 1790, the Constituent Assembly ordered the Procureur du Roi to prosecute as guilty, "*de lèze nation*" all authors, printers and hawkers of writings exciting to insurrection against the laws. This check not having produced much effect, the Legislative Assembly determined to combat the Press by the Press, and granted one hundred thousand francs,

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taken upon the secret service money, to the Minister of the Interior (August 18th, 1792,) " pour répandre des écrits " propres à éclairer les esprits sur les vraies causes des maux " qui ont trop longtemps déchiré la patrie."

Thus the ministers of Louis Philippe may appeal to a revolutionary precedent for devoting a portion of the secret service money to the pay of those journals which defend their system of government.

The most stormy period of the Revolution was that at which the broadest definitions of the liberty of the Press, and the most severe and shocking restrictions of that liberty, were adopted. Thus the Convention forbade its members to combine the functions of a journalist with those of a deputy. The Constitution de l'An III. declared that the liberty of the Press was unlimited; but it empowered the legislature to suspend it for *a year or more!* Two decrees of Germinal, An IV., pronounced the punishments of death and deportation against the offences of the Press. A decree of Fructidor, An V., placed the journals and even the printing presses under the surveillance of the police, which had the power of suspending " les journaux mal pensans." But in the midst of these alternations of despotism and licence, the power of the Press had spread. In vain were the writers transported, in vain were the presses broken, or put under an interdict; for a fresh crop of journalists perpetually grew up, and their papers were circulated with incredible rapidity. It was reserved for a somewhat later period to organise systematically the oppression or the liberty of the journals.

Under the Consulate and the Empire that oppression was complete, though but little felt. No journal could appear without an authorisation from the Minister of the Interior. Napoleon had limited the number of provincial newspapers to one for each department, and these were placed under the authority of the Prefects. The principle still subsisted in outward appearance; a senatorial commission had been appointed nominally to watch over *the maintenance of the liberty of the Press*, which was in fact a high censorial board. In Paris two censors were allotted to each journal, for the purpose, not of revising, but of composing the journal. On some occasions Napoleon himself became a journalist, and replied in the Moniteur to the manifestoes of our government.

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This system of censorship only differed from that established in absolute monarchies, by the distinction which it admitted between newspapers and books. The former were converted by the censorship into a monopoly for the benefit of the state; but the censorship of the latter was purely discretional. Every printer before committing a manuscript to the press was obliged to transmit its title to the Directeur Général de l'Imprimerie, who was empowered in his turn to demand a communication and revisal of the work. Nor could this provision be eluded, for a printer being licensed by the administration, was rather an agent of the government than the head of a mechanical establishment.

Things went on thus for twelve years; but after the disastrous campaign of Moscow, the public, which had hitherto been careless of the fate of its journals, felt that it was galled and fettered by a system of police that not only mutilated the expression of opinions but disguised the truth of facts. The liberty of writing and speaking began to be asserted once more, and public opinion was ardently supported by the rising generation. In 1813, a professor of philosophy in one of the colleges of Paris had given the liberty of the Press as a subject for dissertation, and he pointed out the imperial system of censorship as the fittest conclusion of the argument: none of the scholars arrived at the same conclusion as the professor.

Napoleon, who carefully checked every kind of manifestation of public opinion, was nevertheless jealous of knowing it: he was the only man in his empire to whom the truth might be spoken, and several persons were employed to collect accurate information in the country, which they transmitted to him M. Fiévée, a writer of good sense and penetration, was his habitual correspondent. Besides this, the Emperor directly encouraged a revival of religious doctrines, whose influence was felt in literature before it reached the sphere of politics: the Journal des Débats was the centre, and M. de Chateaubriand and M. de Bonald were the organs, of this school.

Upon the whole, when the French Empire was broken up, the Press had really begun to exist: it had taken root in the habits of the country, the demand for newspapers had become general, and it was thenceforward necessary to take into account a power which the most overwhelming despotism had not stifled

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by its deadening pressure. Even whilst the expression of opinions was checked, the means of publicity were established and increased. The Moniteur, the Bulletin des Lois and the Journal de la Librairie, passive instruments as they were, nevertheless awakened the public attention to the public interests. Each department had a paper of its own, a kind of Moniteur of the Prefecture, devoid of all strength or colour indeed, but serving as a spelling lesson of the alphabet of political science in every Commune. Paris had already several journals: the Gazette, the Journal des Paris, the Quotidienne and the Journal des Débats, which last, under the title of Journal de l'Empire, had as many as twenty thousand subscribers.

Whilst silence was imposed with regard to political opinions, the mental activity of the country was turned to literature. Literary criticism was installed in the daily papers, and it gave birth to the Feuilleton, that characteristic and essential part of the French Press, which has raised some of their Papers to the rank of Reviews. The pens of Dussault and Geoffroy gave to the feuilleton that sharp and sparkling vivacity which still preserves its traditional charm: but the spirit of these criticisms has been enlarged, like that of the French themselves, by their subsequent communication with the rich intellectual produce of the countries from which they had been severed by twenty-five years of war.

The Press was, at first, no better treated by the government of the Restoration than it had been by that of the Empire. The authors or instigators of that compromise between the present and the past confined themselves to the stipulation of the rights of a representative assembly, hoping, no doubt, that the privilege of voting the supplies would serve, in the end, to establish all the other liberties of the people. The Charter of 1814 declared in its seventh article, that: "Les Français ont "le droit de publier et de faire imprimer leurs opinions, *en se* "*conformant aux lois.*" The Ordonnance promulgated on the 10th of June in the same year, to interpret the provisions of that Charter, provisionally confirmed the laws and decrees of the Empire which had established the monopoly of printing and the censorship of newspapers. Some concessions were made to public opinion, by a law of the 21st of October following.

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Three distinct classes of publications were laid down; works of more than twenty printed sheets were freed from the preventive censorship; the censorship was retained for writings of twenty sheets or less, with the exception of those which emanated from the members of either Chamber, those written in dead languages, ecclesiastical charges, the transactions of learned societies and legal reports: the daily and periodical Press was to remain strictly under the control of the censorship. In this law, which is imbued with all the prejudices of the Restoration, a germ of liberty was, nevertheless, introduced. The right of the Press to a more real independence was implicitly acknowledged, for the censorship was only presented in the light of a temporary and exceptional measure. The twenty-second article expressly states that the clauses by which the censorship was organised "shall cease to be binding at "the end of the session of 1816, unless they be renewed by "an act of the Chambers." Thus a minority of two years was contrived, in which time the monarchical education of the Press was to be completed; but in the interval the government itself was overthrown by the return of Buonaparte from Elba.

This law of the 21st of October 1814, clearly indicated the nature of the struggle about to arise between the government of the Bourbons and the liberal party; it marked out the field of battle: it was evident that the government would strive to prolong the term of the censorship, and the opposition to obtain its abolition. It became equally clear that the position could not hold out against lively and reiterated attacks, for the assailant had an acknowledged principle for his vantage ground, and the law was weakened by a term having been assigned for its operation.

The history of the periodical Press during the Restoration is filled with laws and ordinances, succeeding each other at short intervals, and marking the various turns of the conflict. We have reckoned up the sum total of the periods during which the censorship existed, amounting to a space of five years; and nine laws or ordinances were promulgated to establish it. The liberty of the newspaper Press—a liberty *tempered*, to use the ministerial expression, by exorbitant penalties and numerous prosecutions—was not actually in

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vigour for so long a term. The remainder of the fifteen years of trial was filled up by a kind of bastard system called an "*autorisation préalable*," which made the establishment of a journal depend upon the supreme pleasure of the minister.

As long as the Press is under the control of the censorship, it is not responsible; the government is answerable for what it says or omits to say; but the freedom of the Press is accompanied by the responsibility of its organs. That responsibility is not the same in the case of a journal as in that of a book; for the operation of the political Press has far greater power and far wider consequences. A journal does not represent an isolated principle as a book may do, but it is a political instrument—a lever perpetually used to agitate society; it introduces the mechanism of association in support of opinions, and every kind of association is bound to give some security for its observance of the laws, and to impersonate, under some form, its responsibility. But to define the responsibility of the agents of the Press is in fact to recognise and to organise its freedom.

Two attempts were made by the Restoration to constitute the liberty of the Press in France by legislative enactment: the first was in 1819; the second in 1828. The laws passed in 1819 had the merit of acknowleding sound principles with regard to the rights of publicity. The law of 1828 was a sort of compromise between the rights of the Press and the prejudices of the government, which was somewhat extended in 1830, and again straightened in 1835 by those gagging enactments which characterise the existing legislation. In 1819, the circumstances of the country were peculiarly favourable to the authority of the Press. The Restoration was just then in one of those lucid intervals, during which its government sought to taste the sweets of popularity. The struggle against public opinion seemed to be given over; the law of elections, voted in 1817, had given a preponderating influence to the middle classes; the frontiers were once more opened to the proscribed, and the more violent legitimists were excluded from the administration. The Duc Decaze introduced the system of mutual instruction into France, encouraged the manufacturing as well as the agricultural interests, and founded the "Société des Prisons" (an imitation of our Prison Discipline

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Society), as a prelude to social reformation. All parties then firmly believed that the government could only be carried on by an alliance with the Press, and in harmony with public opinion. The ministry used the Moniteur and the Journal de Paris as its great polemical weapons; it had established a paper called the Journal des Maires, for the diffusion of political knowledge in the rural districts, which speedily attained to an immense circulation from its cheapness, its very moderate dimensions, and the elementary clearness of the style in which it was written. Louis XVIII. did not disdain to compose articles for it; the king became a journalist, and the representative of divine right paid a noble tribute to the sovereignty of the nation.

Since the revolution of 1830, the parliamentary Tribune and the Press in France have become two distinct and rival powers; in 1819, their interest and position was identical. The delivery of a speech was followed by the insertion of a philippic in the Minerve or the Conservateur. The most influential deputies were also the most distinguished contributors; and as every shade of opinion sought to make its way abroad, the liberty of the Press was demanded by all and attacked by none. The only difficulty between the ministry and the several oppositions consisted in determining where the rights of the Press terminated, and its abuse began. The laws brought into the chamber by M. de Serres, formed a complete code of the Press; they comprised the penalties, the procedure and the internal constitution of the journals. The act gave its sanction to the greatness and simplicity of the principles which it laid down—it recognised no offences of the Press, but only offences resulting from the abuses of the Press:—"C'est un instrument," said M. de Serres, "à l'aide "duquel on commet les délits ordinaires prévus par le Code "Pénal." The direct consequence of this theory was, that the public journals, accused of an infraction of the law, were not excepted from the ordinary judicature of the country; and the boldest innovation brought forward by M. de Serres, consisted in his giving that guarantee to the Press in France which it had so long enjoyed in England—namely, Trial by Jury.

The law of 1819 required the following conditions for the

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establishment of a newspaper. The proprietors or editors were bound to give in, before publication, the name of at least one proprietor or responsible editor, with his address, and that of the office in which the journal was to be printed. They were to give securities amounting to 400*l.* a-year* (10,000*fr.*), in the departments of the Seine, Seine et Oise, and Seine et Marne, and 100*l.* a-year (2500*fr.*) in the other departments, for a daily paper. Half these securities were to be given for papers appearing less frequently. At the moment of publication a copy of each number, signed by the responsible editor, was to be deposited at the Prefecture of the department. Finally, the law made the authors of obnoxious articles personally responsible, besides the general responsibility of the editor. This law evidently established a mere fiscal guarantee; the Press was not treated as the moral and political tutor of society, but as a sort of property comparable to some unwholesome or dangerous manufactory which the legislator disposes of as a public nuisance. Yet even in this respect the law contained a very serious flaw. The responsible editor, who personated the journal, and incurred fine and imprisonment on conviction, was not necessarily connected with the *bonâ fide* owners of the concern. The consequence was, that most of the journals put forward a man of straw to receive all the rubs and blows of justice, who belonged neither to the writers nor to the proprietors, but who was a hanger-on of the journal, paid to go to prison when wanted.

The law of 1828 substituted the responsibility of a "*gérant*" for that of a nominal editor: it was enacted, that the proprietors of a journal should choose one or more "gérans," as they are called, "*pour surveiller et diriger la rédaction.*" Each of these persons must have a share in the concern, and at least a quarter of the security must stand in his own private name. The amount of the security was also reduced to 6000 *fr.* for Paris and the adjacent departments, and 2000*fr.* for the rest of France. The law of 1830 made a further reduction in the securities, to 2400 *fr.* a-year in the neighbourhood of Paris, and to 800 *fr.* in the other depart-

* These securities were placed in the funds, and are therefore designated, as is the custom with the French stock, not by the amount of the capital, but of the interest.

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ments; but it required that the gérant or the gérans (if there were several of them) should possess the whole of the money invested as security. Lastly, the notorious laws of the 9th of September, 1835, enact, that each "gérant responsable," must be the owner of at least one-third of the security; that the security must be deposited in money, instead of being a sum invested and designated (as money in the French funds always is) by the interest it bears; and that this capital so deposited should amount to 4000*l.* (100,000 *fr.*)

It is manifest that the constant tendency of the legislation in France, with regard to the Press, has been, since 1830, to increase the importance of the gérant in the newspaper establishments. Now, that personage represents the mercenary interests of the concern, the shareholders, or rather the shares, he capital and the property invested; the closer the ties are drawn which exist between the representative and the interests represented, the greater is the ascendancy given to their interest over the opinions which the journal professes. Those opinions are, in fact, controlled and over-ruled; the functions of the editor become subordinate to those of the man whose business it is to consider, principally, the amount of the circulation and income of the journal. We may safely affirm, that the manifest decline of the public Press in France, is mainly to be attributed to this strange transposition of its agents and conductors. But before we proceed to examine the present condition of the French newspapers, having already traced the vicissitudes of the legislation respecting them, we intend to give some account of the gradual progress of the Press—a progress which has been effected sometimes by the laws, but more frequently in spite of them.

The Press of France when first emancipated from the shackles of the imperial régime, was not that strong, intelligent and enterprising power which placed itself, a few years afterwards, at the head of society. In its early stages the Press was not more speedily enlightened than the country; it followed public opinion, and served as an echo to the reforms which had already made their way. For a long time the public writers seemed ignorant of their real mission: like that brave and veteran army which was disbanded in 1815, on the banks of the Loire, they could not forget their warlike tactics,

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or adopt the regular style of peace and of debate. They had taken up the pen without laying down the sword. The character of the independent journals was still military; they were so many guerillas organized to attack the Bourbons, and very frequently the title of Editor served only to conceal some bully, ever ready to support the justice of his opinions by single combat. On some occasions these duels brought whole parties into collision; on the one hand, the offices of the liberal newspapers were the resort of officers on half-pay, and on the other, the jingle of the spurs of the guardsmen was constantly heard in the apartments of the royalist journals. The French character for bravery and ticklish sensibility to a point of honour, is no where more singularly conspicuous than in what we may almost term the bloody annals of their daily Press.

The establishment of the Constitutionnel was the foundation of the more solid structure of the Press, which thenceforward began to have real influence of its own, and to satisfy the demand for constitutional discussion. No calls were made upon the shareholders, for after the appearance of the first numbers, the expenses of the journal were defrayed by its subscribers. But that newspaper was still too imperfect a machine of publicity to attract or to retain the complete suffrages of society; neither its writers nor its readers were formed to daily discussions: pamphlets, and the weekly publications which might be assimilated to them, still retained their influence.

The Minerve and the Conservateur then supplied the two opposite parties all over France with arguments and ammunition. The Minerve, which was very inferior to the Conservateur in point of talent, defended the more liberal side, and obtained as many as 12,000 subscribers. Other periodicals—the Censeur, the Bibliothèque Historique, the Nouvel Homme Gris and the Tablettes Universelles, which were in fact weekly political magazines, contended for their share in this brilliant success.

The periodical Press, which is now nearly abandoned in France, was then in full bloom; and the daily Press was slowly struggling to establish itself. Of the multitude of journals which were hatched under the administration of M. Decaze, how few have survived! The Indépendant and the Drapeau Blanc are defunct; the Renommée and the

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Courrier have joined to form the Courrier Français; and that paper renewed its deed of partnership three times, before it obtained the circulation and influence which it now enjoys. Ten years after the law of 1819 was passed, the daily Press had taken possession of the ground which it has since occupied. The Revue Française, a journal infinitely superior to the Minerve and the Conservateur, and indeed, the only French publication which ever adopted the tone and character of our Reviews, succeeded so ill, that after it had appeared for two years it had only four hundred subscribers.

When M. de Villèle came into office, the only organs of the liberal party were the Constitutionnel, the Courrier Français, the Journal du Commerce and the Journal de Paris; the influence of the royalist party was divided between the Journal des Débats, the Gazette de France and the Quotidienne. The administration of M. de Villèle had the effect, which all periods of compression must have, of giving a vast impulse to the power of the Press. The Ultra-Royalists then set up the Aristarque and the Oriflamme; M. de Villèle himself established the Étoile, an evening paper, devoted to the personal defence of the Prime Minister. The Journal des Débats seceded from the side of the government, and brought over to the liberal side the support of that somewhat aristocratic portion of the middle classes, which had warmly espoused the interests of the restored monarchy. That was the best period of the Press in France, and it exercised a degree of power which no country in the world ever witnessed. Almost all the men who have played a great part since the Revolution, were then working, with all the forebodings of success which could stimulate ambition, for periodical literature. The Globe and the Producteur led on the public to the study of literature, science, politics, political economy and philosophy; and an extraordinary number of young, but serious and determined, minds were braced by these researches, which afterwards opened the way to so brilliant a career. The daily papers obtained a mastery over public opinion: the Constitutionnel and the Journal des Débats were really the kings of the multitude: their slightest hint acted sympathetically upon the resolutions of the community. When General Foy, one of the most eloquent of the

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French orators, died, the daily Press called upon the country to provide for his children, and a million of francs was soon subscribed. The same power collected 200,000 persons to attend the obsequies of Manuel, in presence of the guards drawn out, and at the risk of a battle. In 1827, when the general election took place, the Press designated the candidates and decided the contests.

The administration of M. de Martignac, which was a compromise with the liberal party, abolished the censorship and reduced the securities paid in by the journals. It only gave birth to one ministerial paper. The other papers retained their influence, but as they were not persecuted or threatened they did not increase it.

The administration of M. de Polignac on the other hand, openly hostile to the liberties of the country, and regarded from its accession to office as a pregnant cause of revolution, was attended with a fresh outbreak of public remonstrance. A new branch sprung up in the Press, resolved to go all lengths and to yield to no obstacle. Then appeared the Universel, an ingenious and theoretical partisan of absolute power; the Temps, representing the Centre Gauche, and writing in that more practical style which has since made the Press a general repository of facts; the National, which had been detached from the Constitutionnel, and was conducted by M. Thiers in the interest of the House of Orleans; and the Globe, which had become a daily paper, but was still in the hands of the Doctrinaires. The departments, which had hitherto passively taken their tone from Paris, claimed a share in the struggle; and journals, such as the Tribune des Départments and the Courrier des Électeurs, were published for their special information. Still the great body of the public clung to the old-established and well known papers. The popularity of the Constitutionnel, the Journal des Débats and the Courrier Français increased with the danger. When the revolution of July broke out, the Journal des Débats had a circulation of 18,000, and the Constitutionnel of 22,000. Each of the twelve shares in the latter journal, which were originally taken at 200*l.* (5000 *fr.*), though the money was never paid up, returned a dividend of 2000*l.* (50,000 *fr.*) a-year.

It now remains to be said, that the first blows of the ordi-

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nances of July were aimed against the Press, as the most formidable and most exposed adversary of the government; and the Press was the first power to hurl back defiance to the attack. The protest of the Parisian journalists gave the signal of that deadly conflict between the French people and the Bourbon dynasty. Every thing seemed to originate from the Press in those three days: it had accomplished a revolution, it overthrew a throne, it founded a new constitution and a new monarchy; and the chambers simply adopted what the leading journals had carried, as it were, by acclamation. This incredible power of the Press has not diminished; but it has become even more subdivided than parties and opinions in France, and it tends to narrow itself yet more to places and persons. Such is the disorder of the time in a country which passes from uncertainty to dissension.

Before the Revolution of July, several departments had no journal; but after the law of 1830 had reduced the amount of securities, a deluge of papers inundated the country. The papers which already existed were published more frequently. Bordeaux, Lyons, Lille, Rouen and Marseilles have now three daily papers each: and every chief town of moderate size has a paper of its own. In 1832, about three hundred periodical papers appeared in the Departments: and although the laws of September have crushed the republican journals and several of the legitimist colour, there are still more than two hundred remaining. Speculation has found means to turn these local publications into powerful rivals of the Parisian Press. Several offices of correspondence have been opened at Paris, where the latest intelligence, the debates and the law proceedings are collected and dispatched every day to the journals in the departments, four-and-twenty hours before the Paris papers can arrive there. These provincial papers are of smaller dimensions, they pay a smaller stamp and less postage, so that when they succeeded in giving their intelligence earlier than the Paris papers, they naturally injured the circulation of the latter. The general apathy and indifference to discussions of opinion in France has also, no doubt, tended to the same result, and it is certain that the great organs of the Press in Paris are rapidly losing their extensive popularity. The Constitutionnel is come down from twenty-two thousand

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to nine thousand; the Journal des Débats, somewhat better secured in the affections of the financial middle classes, still retains ten thousand; but the Gazette de France itself, has lost the devoted support of the Legitimists, and has fallen from ten to four thousand subscribers. This insurrection of the provincial papers against the metropolitan Press was the result of a more general movement; it was the protest of the provincial localities which were treated as if they were nothing, and which aspired to be something; it was only another form of the same re-action which obliged the Chambers to recognise and to legislate for the municipal liberties of France*. When the municipal law had created an elective and deliberative assembly in every commune, from that moment a local Press was called into existence, because it had ground to stand upon, interests to defend and opinions to discuss. But it was soon obliged to renounce its exorbitant pretensions of dethroning the political power of the Parisian journals, and of succeeding to their influence upon public opinion.

It is a necessary result of modern civilization, that the labour of the Press must be distributed like that of the deliberating powers in a state. Just as the whole action of a government is concentrated in the houses of parliament and in the hands of the administration, the criticism of events and of public opinions belongs principally to that portion of the Press which witnesses the occurrence of these events and the formation of these opinions. It can alone take the initiative and receive the first impressions, to transmit them in its turn to the public. When the provincial Press, which gets the news of events later and, as it were, at second-hand, attempts to appreciate their importance, the time is already gone by, and public opinion is already formed. This is clearly proved by the attempts made by some of the departmental papers in France; they have made every possible effort to acquire opinions of their own, but in vain. Their language was a curious medley, intermixed with the rant of the St. Simonians and a few ideas borrowed from the reveries of M. Fourrier, the whole being saturated with a strong solution of *juste-milieu* politics. They went

* See, for a complete account of the municipal system in France, *The British and Foreign Review*, Vol. II., p. 496.

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so far as to say, that politics were not politics; they hooted at the great questions of electoral reform and the foreign policy of the nation, supposing that all would go well if France were only covered with canals and rail-roads. The problem of society was, in their opinion, a question to be settled by the Board of Public Works.

The plan upon which the provincial Press is constituted in France is another reason of its political insignificance. The country papers are not published as the organs of a party, or to fill a space in public opinion, they are mere booksellers' speculations. As the pecuniary security is low and the stamp-duty and postage are reduced, any printer may undertake the publication of a journal, without investing in it a large capital. Four or five hundred subscriptions suffice to cover its expenses, whilst a Parisian paper requires four thousand. The editorial department of the country paper costs little or nothing, as a pair of scissors is all that is required to compose it. The profit on the advertisements is all clear gain. When the paper is a ministerial one, the Prefect of the Department frequently subscribes for 150 or 200 copies; and the property thus established is handed down, with the printing office to which it belongs, from father to son, in spite of changes and revolutions. The only country papers which have ever exercised any real influence in France were established as branch papers, either of the Tribune for the Republican party, or of the Gazette for the Legitimists. Their editors or their articles were sent down from the metropolis, they sprung from a common centre, and were coined in the same mint: they were, in fact, country papers made in Paris.

This deluge of country papers has now subsided; but the Parisian Press, more easily affected because it is nearer to the source of what the French call the '*mouvement*,' seems to be on the eve of a fresh transformation. We shall proceed to take a hasty survey of the changes it has undergone since 1830.

The Revolution of July was the royal reign of the Press, when two newspapers, the Constitutionnel and the Journal des Débats, enjoyed a supreme authority: we have already mentioned the large dividend paid by the former journal, and as the shares in the latter were even less numerous, the two or

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three proprietors of the Journal des Débats were more powerful than the ministers, and had the ear of the king. The Constitutionnel represented the prejudices and opinions of the liberal middle classes; the Journal des Débats was the organ of the new aristocracy which was then beginning to rise from the Bank, and from the wealthier merchants and manufacturers. The former occupied the position of what is called in France the *centre gauche;* the latter that of the *centre droit.* We have explained how the circulation of these papers was dissipated, to the profit of the provincial Press. In the metropolitan Press, the Republican party was the first to multiply its organs; in a short time it brought out the National, the Révolution, the Tribune, the Mouvement, the Patriote, the Avenir, the Réformateur, the Populaire and the Bon Sens. The two last were Sunday papers, which only cost a penny each, and were sold by public hawkers. As many as 50,000 copies of the Bon Sens have been sold, in this manner, in one day. But the law which subjected the public hawkers to a monopoly of the police, put a stop to this traffic. The Republican Press shared the fortune of the Republican *émeutes;* and when the laws of September gave it the final blow, it was in fact already exhausted. The only papers remaining are the Bon Sens, now a daily paper with four or five hundred subscribers, and the National, which has fallen off ever since it lost the admirable writer who was the pillar of his party.

From 1832 to 1835, whilst the tiers-parti, personified by M. Dupin, had in reality a majority in the Chambers and in the country, but did not venture to form a ministry, several journals were published in harmony with that state of affairs. The Journal du Commerce moderated its tone, the Temps took a more decided one, the Impartial ceased, the Moniteur du Commerce changed its name and joined the Doctrinaires, (of whom it is now the most violent partisan), under the title of the Paix. That period was one of ineffectual attempts, and good intentions which fell to the ground.

Within the last year newspapers have been founded not by any party or opinion, but on speculation. The profits realized by a few fortunate journals have tempted the money market, and the adventurers have not been deterred by the bad result

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of the greater number of these undertakings. Keeping in view the high price which the shares of some journals still fetch, they have neglected to consider the adverse chances. A share in the Constitutionnel, notwithstanding its decline, is still worth twenty-five times its original cost; the shares in the Gazette des Tribunaux, which were only worth 500 francs at the outset, are now sold for 30,000 francs; the Gazette de France brought in 200,000 francs (8000*l.*) a-year to M. de Genoude for a long time. This is enough to awaken the cupidity of speculators, and to give credit to the schemes of a charlatan. To promote this new Press, the market has been opened to small capitalists, hitherto unacquainted with this kind of investment; the shares have been sold in scrip of 10*l.* (250 francs) each*. The first operation of the brokers was to raise the market price by artificial means, and to resell the shares with a profit to the poor dupes, their clients. The provinces and the metropolis have been inundated with prospectuses, and with commercial travellers who offered their journal as they would a hogshead of sugar or a bale of cotton. At length the papers themselves appeared, and they still continue to appear in great abundance; there are papers for all tastes and all parties; but they seem to be all agreed in announcing their hostility to the established Press; they do all they can to discredit it, without always respecting the principles of fair competition. Amongst them we find the Presse, which aspires to unseat the Journal des Débats; the Siècle, which invades the domain of that veteran of the opposition, the Courrier Français; the Europe, a legitimist paper taking its stand by the side of the Quotidienne; the Monde, a rival of the Temps, as undecided in its tone, and somewhat less literary; the Journal Général de France, which attempts to constitute a French toryism, and expects to inherit the circulation of the defunct Journal des Villes et des Campagnes; lastly, three new legal journals, the Droit, the Journal Général des Tribu-

* The same plan has been followed to an enormous extent, not in the Press, but in mining companies and other bubbles in England. The capital has been divided into shares of one or two pounds value, transferable without any formality; and the price of shares has been raised by the payment of a dividend of one or two shillings; after which the projectors get out of the concern, and those who hold their scrip may look to the profits.

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naux and the Loi. A republican paper is even announced, entitled the Radical, but it is still in a prospective state.

This new Press is a cheap Press; and, as times go, this difference of price gives it an advantage which deserves to be examined. Under the Restoration, the annual rate of subscription to a paper appearing every day, Sundays included, was successively 60, 72 and 80 francs (*2l.* 8*s.*, *2l.* 18*s.* and *3l.* 4*s.*). It rose as the government raised the stamp and the postage, but the dimensions of the papers increased in the same proportion. A newspaper, whose surface is less than thirty square decimètres, pays five centimes (one halfpenny) for a stamp, and four centimes for postage, that is, nine centimes per number, or 32 francs 85 centimes per annum. It must be observed that the French newspapers pay their own postage, when the papers are delivered at the post office, and that the money for that purpose is included in the amount of the subscription. If, then, the subscription is 80 francs, (or deducting the allowance to the vendors) 76 francs per annum, only 43 francs 15 centimes remain to cover the expenses of editing, printing and conducting the journal. To this must be added the profits of advertisements, which are quite a new branch of the receipts of the French papers, that custom having only become general about the year 1828. A paper which has 5000 subscribers, receives annually about 60,000 francs from its advertisements, and spends from 70 to 80,000 francs upon the editorial department. The profits of the advertisements in the Constitutionnel amount to 120,000 francs; and to 200,000 francs in the Journal des Débats. The last-mentioned paper is that which pays its editors most largely; that part of its expenses amounts to 125,000 francs, not including the expenses of its correspondence. The French Press does not possess those relations with the four quarters of the globe which enable our papers to lay such a quantity and variety of information before their readers. The correspondence which the Times maintains at Paris alone, costs more than the whole editorial business of a French paper. The French journals are not rich enough to keep all those ambassadors and residents in foreign parts who are necessary to a paper professing to have the best information; nevertheless, the price of newspapers is still too high for them to become

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a part of the habits of the people, and indispensable to their wants. At 80 francs a-year, each number costs two-pence, and strange as it may appear to us, even the rich think this too much. The price of the daily papers has given rise to an intermediate kind of speculation, which reduces the number of the subscribers, whilst it increases that of the readers. We allude to the cabinets de lecture, or small reading-rooms, where any one may read a paper of the day for one half-penny; on the second day the papers circulate in private houses at the same price, and they are afterwards sent into the country. Thus half the readers only become acquainted with what has happened several days after date; and they can only keep for an hour a paper which frequently contains much instructive matter concerning the literature, arts or manufactures of the country.

If the French government abolished the stamp duties, the proprietors of the papers could reduce the rate of subscription to 50 francs; and the circulation would be speedily doubled. The stamp duty brings in about two millions (80,000*l.*) to the Treasury; but that sum would certainly not be lost to the revenue, because the produce of the postage would increase in the same proportion.

Without waiting till the ministry shall think fit to act upon this opinion, a few bold adventurers have undertaken to bring the daily Press in France to the level of the humblest fortunes, by publishing newspapers at 40 francs per annum. The projector of this system, which was speedily followed by a crowd of imitators, was M. Émile Girardin, the deputy of the Creuse, an intelligent and enterprising bookseller, who has been styled the Calvin of the Press, and who might justly boast of all the qualities of a reformer, if he had more moral weight in his character and more political ability in his talents. M. Émile Girardin founded a monthly journal, which was placarded all over France as the Journal des Connoissances Utiles, *à quatre francs par an.* That periodical obtained as many as 120,000 subscribers; it fell when it was found not to fulfil the promise of its title. Perhaps both this and all the other cheap publications which have since deluged France and Europe, may fairly be attributed to the remarkable success of the English Penny Magazine, and to the judicious innovations

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of Mr. Knight, under the auspices of the Society for the Diffusion of Useful Knowledge. M. Émile Girardin had certainly the merit of following up the same principle with great zeal. In 1835 he published the pamphlet before us on the legislative means of regenerating the periodical Press; he suggested, first, that the government should publish a paper at 12 francs a-year, called the Moniteur Universel, containing nothing but the intelligence of the day, without comment; secondly, that every citizen being an elector and eligible to a seat in the chamber, should have the right of publishing a journal, without being bound to deposit any security; and thirdly, that the offences and contraventions of the Press should be punished with the greatest severity. Lastly, M. de Girardin has recently founded the paper called the Presse, which he conducts himself, though the numbers before us certainly evince but little of the talent required in a politician and a writer. It seems that after feeling his ground, having at first inclined to join the banners of M. Odillon Barrot, and afterwards those of M. Dupin, he has finally placed his journal under the auspices of M. Guizot.

These forty franc papers announce their pretensions to reform the French Press. It is worth while to inquire how long they are themselves likely to last. We quote the passage in which M. de Girardin explained his scheme to the shareholders in his prospectus:—

"The expenses of a newspaper are of two kinds, and ought to be divided into two distinct chapters.

"First Chapter.—*Decreasing Expenses.*—The expenses including the cost of editorship, the composition for the press, the administration and the house-rent are termed *decreasing expenses;* which means that they diminish in an inverse ratio to the number of subscribers, that they are the less felt and the less apparent the greater the number of copies becomes, over which they are distributed.

"Second Chapter.—*Increasing Expenses.*—The expenses including the stamp duty, the postage, the paper, the press-work, the folding and directing, are called *increasing expenses;* which means that they in no case diminish, but on the contrary, increase indefinitely, in the exact ratio of the number of copies sold.

DECREASING EXPENSES.

Editorial department.....	100,000 francs.
Composition for the Press.....	36,000 „
Administration.....	24,000 „
Total.....	160,000 francs.

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INCREASING EXPENSES.

Stamps, 5 centimes, for 365 days.....	18	francs	25	cents.
Postage, 4 centimes.....	14	„	60	„
Paper, press work, folding and addresses....	10	„	95	„
Total, for each copy.....	44	francs	80	cents.

TEN THOUSAND COPIES.

Decreasing expenses.....	160,000 francs.
Increasing expenses.....	448,000 francs.
Total.....	608,000 francs."

Ten thousand subscribers, at thirty-six francs for forty. (allowance deducted), will produce 360,000 francs.

The expenses will therefore exceed the profits by 248,000 francs. M. de Girardin hopes to cover this deficit by the profit of advertisements; but for that to be the case, the advertisements must bring in more to his recently established journal, than they have ever done to the oldest and best papers in France. To this it may be added, that the prospectus of the Presse does not reckon all the expenses attending the publication of a journal. For instance, only to argue upon his own data, we find that M. de Girardin engages to pay 5 per cent. interest on the shares, besides the dividend of the profits; as the capital of the Presse is 800,000 francs, this item amounts to 40,000 francs more. This and several other privileges promised to the shareholders and subscribers tend to reduce his profits so considerably, that we do not hesitate to affirm, that the advertisements must bring in at least 350,000 francs, if they are to cover the deficit. We also affirm, and with some knowledge of France and the state of the French Press, that this is impossible. The price of advertisements in the metropolitan papers is 1 franc 25 cents. or about one shilling per line; which is reduced by contract to 1 franc. The whole page of advertisements contains only eight hundred lines, no French paper would venture to publish more than one page of advertisements, and they have not attempted to introduce the expedient of the double sheet employed by our great papers. Supposing however, that this one page was always filled, the annual profit of three hundred and sixty publications

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in the year, would then be only 288,000 francs, a sum insufficient to cover the deficit. The radical vice of the whole scheme is, that there is naturally a limit beyond which the greater the circulation, the greater the loss. For whilst the profits of the advertisements can never exceed a maximum of 290,000 francs, the rate of subscription being inferior to the actual cost of the journal, the deficit must increase with the number of subscriptions. Thus, to use M. de Girardin's own language, the profit of the advertisements would ultimately become fixed, whilst the deficit would be progressive. Supposing that a journal at 40 francs, with ten thousand subscribers and a profit of 300,000 francs from its advertisements, exactly balanced its income and its expenditure; if the circulation rose to twelve thousand, the profit of the advertisements would not increase, and the journal would lose 16,000 francs a-year, and so on, at a rate of 8,000 francs for every increase of a thousand subscribers, because the newspaper costs 8 francs more than it is sold for. To establish a cheap newspaper on a reasonable foundation, the price of subscription ought at least to cover the actual cost of the stamps, postage, printing, paper, &c., leaving the expenses of the editorship to be paid by the advertisements. The former class of expenses amount to at least 46 francs, and a journal established like the Journal Général de France at 48 francs, may have some chance of success. But even this cannot be done without a most rigorous and absurd economy in all that makes a paper valuable.

What must ruin the cheap Press in France is, the manifest inferiority of the talent which it can command. It is a very good thing to have cheap cloth and cheap coffee, but the produce of the mind cannot be had at reduced prices. A French journal is partly a newspaper and partly a review; it treats of politics, trade, manufactures, literature, art and philosophy; though it has not, like our papers, a regiment of short-hand writers, it has always a host of contributors: and when our neighbours begin to find themselves so far advanced as to require correspondents in foreign countries, the newspapers of Paris will become the most complete, but at the same time, the most expensive machines of publicity. As yet, notwithstanding the attraction of cheapness, the forty-franc papers

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have not succeeded so well as they expected. La Presse itself, which has made the greatest effort to thrust itself upon the public, has only 8000 subscribers; and the Siècle only 5000. The capital embarked in these speculations is gradually exhausted; fresh calls are made upon the shareholders; and M. de Girardin is said to pay his contributors very ill. After all that was put forth about beginning the moral reform of the Press by its economical reform, it may be affirmed that these charges will only have contributed to complete the disorganisation of parties in France, which has been begun in the Chamber of Deputies; and that they have destroyed instead of improving the condition of the Press. The ministry favours the forty-franc Press by all the means in its power; or to speak more correctly, it foments the contest, in the hope of seeing all the papers ruin each other, and thus getting rid of the perpetual supervision which lashes it every time it stumbles. Public opinion in France is in such a state of apathy that it takes but little interest in this crisis, and the Press is left to defend itself, or to perish by itself, if that were possible.

The establishment of these forty-franc papers very nearly brought about a schism in the ministerial party. The present cabinet determined to establish an evening paper, in the place of the Journal de Paris, which remained faithful to the fortunes of M. Thiers for some time after his resignation. This paper was to have been published at 40 francs, but the ministers were obliged to relinquish the design on account of the opposition of M. Bertin de Vaux, the proprietor of the Journal des Débats, who threatened to abandon them if they put it into execution. Such are the curious relations which exist in France between the public writers and the government. But although the ministers did not venture to take this step openly, for fear of alienating a powerful supporter, they encourage the cheap Press, which defends them, by their influence and their good wishes.

In 1835, according to M. de Girardin, there were twenty Parisian or metropolitan journals, having 50,000 regular subscribers in the departments; only 8,150 belonged to the ministerial papers, and the opposition papers of all shades of

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opinion were supported by about 41,200 subscribers. M. de Girardin concludes, from this statement, that a struggle between the Press and the Government must inevitably end in the defeat of the latter.

But the publication of the 40 franc papers has changed this relative position. The number of ministerial papers has increased, and the Journal des Débats, the Presse, the Paix, the Charte de 1830 and the Journal de Paris, all belonging to that side, reckon about 20,000 subscribers amongst them. The circulation of the opposition Press has not materially altered. Thus the consequence of the diminution in the price of some of the papers, seems to have increased the relative strength of the ministerial side. This fact explains the interest which the members of the cabinet have to second a change so favourable to their party. They are not, however, upon sure ground; the number sold, is not the most important part of the Press. Nobody would pretend to compare the real weight of the Dispatch, which has the largest sale of any paper in England, with that of the Chronicle or the Times. In like manner, a newspaper with 25,000 *abonnés* in France might not have half the influence of the Journal des Débats, with a circulation of only 10,000, because those 10,000 are the élite of the community.

We have pointed out the financial position of the Press in France, and some of its consequences; it now only remains for us to pass a judgment on the political results of this change. The *Jeune Presse*, as it calls itself, begins, like most new comers, by accusing the *Vieille Presse* of being the instrument of private animosity, private passions and private interest more than of the public interest; of refusing to open its columns to the facts and ideas of the time; and in short of ceasing to represent public opinion; of which, is of course added, the superior reason and ability of the Jeune Presse must speedily become the faithful organ. To us it does not appear that the French Press is better or worse than it was under the Restoration. It has thrown itself much too rashly into the heat of the battle since the revolution; but it would be unjust not to acknowledge that the few new ideas and useful projects which have been brought forward in the last six

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years, have emanated from the journals. For instance, the French papers have always attacked the prohibitive Commercial System of their government with great energy and real disinterestedness; for their crusade in favour of free trade, in a country where so many interests rest upon monopolies, has necessarily excited much ill-will, and deprived them of a number of subscribers. England must admit that the reforms which have been introduced in the French tariffs, and those which are in preparation, have been brought about by the Parisian Press, which in this respect forms a very honourable contrast to the greater portion of our own daily papers. Nor shall we think the worse of our neighbours on the other side the channel, for having urged an extension of the electoral franchise as well as of the commercial liberties of France. When public opinion has fallen asleep in a country it is no crime on the part of the public Press to protest against the egotism and apathy of the community.

To say the truth, the French Press might be better organised and more enlightened than it is; but it is less to be blamed for what it has done, than for what it has not done. The obstacles are of two kinds. In the first place, the fiscal burdens which the legislation has laid upon the Press, which render the establishment of journals more difficult; and the man who thinks is placed too much under the control of capitalists and speculators. In the second place, the Press is encumbered by its internal organization, with a heavy baggage of old precedents and prejudices which impedes its action; the old liberalism, which was in season under the Restoration, is still represented by the writers and proprietors of that period, who are paramount in the administration, and who, like Louis Philippe, not only govern but rule. All the public writers of any value who have taken a just view of the state of France, and have attempted to extricate political discussions from the mere war of words, have been met by this obstacle. Some of them have conquered it, others have eluded it; but at the present moment the journals of all parties and all prices, have modified or transformed their opinions; and the moderation and serious tone of discussion have materially gained by the change. We do not, however, deny that these

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are mere reforms in detail, when what is wanted is a complete regeneration. The French papers have long been a prey to that same decomposition which has broken up the majorities and minorities in the Chambers. The wedge has been driven to the heart of the diseased tree by these new cheap journals. This crisis must terminate in a general breaking up of the present system. The immense influence of the French papers was owing to their having aimed at discussion, science and power all at once; they attempted to comprise the past and the present, action and reflexion, theory and practice. The change brought about by this present ruin, will probably end in a division of labour. The journals which survive, will become what newspapers are in England and the United States—papers of advertisements and of news. Reviews will be established to carry on the discussion of those serious questions which affect the opinions of a people, and form the creed of modern society; and as under the Restoration the influence of pamphlets preceded that of the daily papers, we may hope to see a period of study and research—a period of reviews—again precede another epoch more favourable to the wide diffusion of the political Press in France.

Since the foregoing remarks were in type, we are informed that the changes we have described and predicted, have made very considerable progress. The cheap press has gained notoriety, though it continues to display the same inaccuracy and inability with which it commenced: nevertheless M. de Girardin's own paper, La Presse, has succeeded in obtaining a circulation of 12,000.

In this critical situation the old papers have been forced to yield to necessity. Their competitors attacked them by reducing the price of subscription; they have retaliated by reducing the rate of advertisements. This resolution comes too late; perhaps the 40 franc papers will be compelled to raise their price, but the 80 franc papers will certainly be unable to maintain theirs. The measures taken by the

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established Press have exhibited a great want of unanimity, at a time when its very existence is at stake. Thus the Journal des Débats and the Constitutionnel have reduced their advertisements to one franc per line; the Courrier Français to 80 centimes; whilst the Temps received advertisements at any price. The same diversity has occurred with regard to the increase of the dimensions of these journals. The Journal des Débats, which is said to receive pecuniary subventions from the government, and which has by far the largest share of advertisements, is alone able to assume the dimensions of the English papers, and to support the consequent increase of expense. This increase may be estimated at 100,000 francs per annum, and the additional product of the advertisements will cover, at least, half that sum. But the Gazette de France and the Paix, which have also adopted the size of the English Courier, have not the same resources. The Courrier Français and the Constitutionnel have not changed their size, but they occasionally add supplements to make amends to their subscribers. The Temps has gone furthest in bold or rash innovation, it has reduced its price from 80 to 72 francs, and at the same time has doubled the size of its sheet. This journal is now nearly as large as the Morning Chronicle, it contains 300,000 letters in each number, employs thirty compositors per diem, costs about nine pounds (225 francs) a day for composition, 15 francs a thousand for press-work, and 55 francs per double ream of paper (the double ream contains 1000 sheets). This Atlas of the French Press seems to be very little to the taste of our neighbours, who complain that it is inconveniently large and unnecessarily dilated.

We have entered somewhat minutely into these details from a belief that the recent modification in our Post-office regulations has given the English public a direct interest in the condition of the French Press, by greatly increasing the circulation of the French journals in England. In a country where the ministry changes every six months, and where the same instability seems to be inherent in every branch of society and in all the organs of public opinion, we cannot hope to look far beyond the present hour. But whatever be the issue of the crisis in France, we are persuaded that the attention of England must be more and more directed to the

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circumstances of a country whose moral and social progress is indispensable to the security of Europe, and to the maintenance of those sound principles of government which England has been the first to obtain, and will ever be foremost to defend.

Article IV.

Précis des Guerres de Jules César, par Napoléon, écrit à l'Ile de St. Hélène sous la dictée de l'Empereur, par M. Marchand: suivi de plusieurs fragments inédits et authentiques, et orné d'un plan d'après un dessin original. Paris: 8vo. 1836.

However important may be that military science which determines the rise and fall of men and empires, it is generally so unattractive upon paper, that if the sole merit of this volume had consisted in criticisms of the art of war, we should scarcely have ventured to introduce it to general readers. But these pages were dictated by the greatest master of the military art whom the world ever saw; and they were suggested by the exploits of the most successful captain of antiquity. They are the last production of that wonderful man who had himself surpassed all that he here illustrates and describes. They translate the records of the system of ancient warfare into an actual and exciting reality, by taking us over the same countries which have witnessed the conflicts of two thousand years, and by contrasting the resources of ancient and modern tactics,—the principles and the morality of ancient and modern war: whilst we trace the identity of the simple maxims common to all great generals, and the similarity of the political aspirations of the conquerors of the world. There is an air of fidelity and authenticity about this volume which makes one feel as if Napoleon was pacing up and down the room, stopping from time to time to drop in some discriminating remark, or to demonstrate the advantages of some favourite position, whilst his attendant reads to him the most delightful narrative of military operations which

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was ever composed. He fights the battles of Cæsar over again; he acts the parts in the great drama of Roman conquest; he measures the scattered forces of the barbarians; he entrenches himself in the camp of a Roman general; he lays a bridge of his own creation by the side of that bridge which Cæsar threw across the Rhine; he evokes the political parties which agitated the City; he frowns over the self-inflicted wound of Cato,—and the being who tells us this had himself fought over the same ground, had earned a still more splendid prize, and fallen by a still gloomier fate. The Cæsar of the modern world reviews the Napoleon of antiquity; and more than once, whilst he dilates on the splendour of some achievement, on the difficulty and importance of some enterprise, or on the political aspect of the world, his thoughts evidently wander to France and to himself whilst his expressions speak of Cæsar and of Rome.

We do not remember to have found so much simplicity of style and easy frankness in any of the written remains of Napoleon as in these sketches. They have none of the ostentation of the compositions which he dictated for an especial purpose; but they are the practical studies of a powerful mind, on the subject with which it was most familiar. Napoleon was certainly one of the most amusing, instructive and copious talkers that ever lived; his colloquies contain pretty nearly all the shrewdest maxims on modern politics which have been uttered; his remarkable facility and brisk familiarity in talking constituted one of the great charms of his personal intercourse*. The chapters of this publication may be regarded as so many hours passed in easy conversation with him, on the astonishing career of one who was his hero and, to a certain extent, his prototype. These singular merits induce us to regard the book as one of

* The agreeable pen of Captain Basil Hall has just presented us with a translation of M. Pelet's (de la Lozère) very curious book, entitled "Napoleon in Council." It contains a vast deal of curious matter, interspersed with snatches of wit and rambling illustrations, which form a curious contrast to its statesman-like and all-embracing survey of the administrative questions that arose in France, during the most critical period of that country's history. The volume is a kind of silhouette portrait of the Emperor, taken in the privacy of the council, and preserving the most remarkable features of his character as a statesman, without concealing his foibles as a man.

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the most interesting subjects which we can lay before our readers, and we are only surprised that it has not already attracted more attention in this country.

At a time when literary forgeries are so frequent and so ingenious, it may not be a work of supererogation for us to mention the proofs adduced to support its claim to authenticity. They are, we think, quite conclusive. The Emperor expressed a wish, shortly before his death, that his Campaigns of Italy and Egypt should be published, and dedicated to his son. Marchand, the faithful servant of Napoleon, in whose name this volume is given to the world, says, in his preface:—

"This parting wish has only been put into execution by the publication of a part of the manuscripts, dictated by the Emperor to Baron Gourgault and Count Montholon; the other part is in the hands of the General Count Bertrand, to whom I am indebted for the opportunity of publishing the Notes on the Commentaries of Cæsar, which were in his possession, and which have been for eighteen months in mine. As the nature of my service kept me in constant attendance upon the Emperor, I had frequently the honour of reading to him, and of writing under his dictation. It was thus that these notes on Cæsar's Commentaries were entirely dictated to me; almost always in long sleepless nights, when he said, 'study mitigated his sufferings, and cast a few flowers upon 'the path which was leading him to the grave.'

"I had no other claim to the possession of the manuscript than the dictation which had been made to me; but, on my writing to Count Bertrand, his answer was that which I had expected from the kindness and obligingness of his character. He allowed me to do what I liked with the manuscript, reserving to himself the honour of elucidating certain passages from observations made on different occasions by the Emperor himself.

"For my part, my business is to have the work published exactly as it was dictated to me by the Emperor, without allowing the smallest alteration to be made in it. Those versed in the science may judge of the profundity of the thoughts it contains. I transmit them faithfully to posterity."—(p. 11.)

The frankness of this declaration, and the name and character of the persons from whom it emanates, are to us sufficient guarantees of the authenticity of the work; which indeed are scarcely required to complete the strong internal evidence furnished by the style and the ability with which it is written. Nobody else could have studied Cæsar thus. The criticism of Napoleon was not that of a scholar; and he doubtless read the Commentaries in a French translation, without caring much for the purity of the text or the antique colour of the work, upon which ordinary annotators commonly lavish their sagacity. But no classical author ever enjoyed

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the privilege of a more luminous commentator. Napoleon's astonishing topographical knowledge of Europe, his power of judging the relative forces of antagonist armies by the results obtained, and the striking similarity of many points in his own character and career with those of the illustrious writer, furnished him with means of appreciating the true importance of Cæsar's actions and the true character of his policy, which no one else ever possessed in so high a degree.

By this discussion the character and energies of the men themselves are brought out in strong relief. In the study of history it is impossible not to perceive that the politics of the states of antiquity were more frequently swayed by the individual or subjective tendencies of their great men than is now the case. The events recorded by the ancient historians strike us less as *national* events than as the result of the will and the activity of those great beings

> "Who got the start of the majestic world,
> And bore the palm alone."

The ancients omit all mention of the financial arrangements, the administrative contrivances, and the cabinet decisions, which form the most important part of modern history. In Greece and Rome men did more, and the community less. The machinery of society was less perfect; and if we may descend to the metaphor, the operations of government were more frequently done *by hand*. States are now more jealous of their authority. Events are dignified by destiny; and the greatest changes and achievements are frequently wrought by men of whom, as individuals, history would otherwise preserve no mention. Our generals and statesmen are more frequently the instruments and servants of the public; and we have less to fear from their vices or imperfections, less to hope from their genius and their virtues.

To this observation, indeed, Napoleon himself forms the most striking exception: but he appeared upon the stage at a time when the machinery of society was swept away; the individual energies of the man had scope to fulfil his amazing conceptions, and to surpass all that the world had seen in greatness, by making the best of an opportunity which had not occurred for ages. He and Cæsar both enjoyed and both abused a greater degree of liberty in their command than any

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general not invested with the power of hereditary sovereignty ever possessed. They both effaced the constituted powers which they served by the magnitude of their exploits. They both contrived to put themselves at the head of the popular party, whilst they destroyed all popular rights, and exercised a sole and irresponsible power. Yet in their personal characters they differed much, and in the style of their written compositions the same differences are preserved. Cæsar had more reliance upon mankind, and more friends; Napoleon had more contempt for men, and he was surrounded by more devoted creatures. The Commentaries of Cæsar have worked the same charm upon posterity, which his manners had for his cotemporaries; to such simplicity men are wont to attach the grandeur of perfect magnanimity. The bombast of Napoleon on the contrary, fluttered about him like a tawdry veil, which concealed his true proportions; his followers regarded it as the mantle of a God; his enemies as the cloak of contemptible ignorance, of odious vices, and of detestable crimes. Death and St. Helena have now torn away the disguise; and in the midst of his most terrible and prodigious achievements the fame of Napoleon Buonaparte shone with far less steady light than it does now: for posterity has already begun to estimate the sagacity of his political maxims, the resources of his mind, the extent of his conceptions, and the strength of his soul. We have no intention of extending these remarks into a laboured parallel, and they have only been hazarded to illustrate what we conceive to be the chief attraction of the volume beside us—namely, its strongly-marked and characteristic individuality (to borrow an expression from our German friends) of both the great men whose names it bears.

The Gallic war, which occupied Cæsar during eight campaigns, has maintained a very prominent place in military history from the extraordinary merit of the commentaries describing it which have reached our times. Napoleon gives the books of the Gallic war so decided a preference over those detailing the events of the Civil war, in respect to the military accuracy and ability displayed in them, that he evidently believed the latter to have been written by a very inferior person to Cæsar. Speaking of a blunder in the African campaign which Cæsar can hardly be supposed to have

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committed, he says; "Ce n'est point la seule preuve "d'ineptie que l'on trouve dans l'histoire des guerres civiles, "qui sont écrites par un homme aussi médiocre que l'histoire "de la guerre des Gaules est écrite par un homme supérieur." Perhaps he confounded the books on the African and Alexandrian wars, which are attributed to Hirtius, with the three books of the Civil war ascribed to Cæsar. Some critics have, however, conjectured that all the books of the Civil war are by another pen. But it is evident that the merits of the commander were less called forth in Gaul, than in his subsequent struggle. After describing the operations which signalized "That day he overcame the Nervii," where Cæsar's army was only saved from utter defeat and destruction by the timely arrival of Labienus with the reserve, Napoleon adds.

"It is difficult to make purely military observations on so succinct a text and on armies so different in their nature: how can an army of Roman line, levied and picked from the whole of Italy, be compared to the armies of barbarians, composed of promiscuous levies; brave, ferocious, but possessed of so few notions of war, that they did not know the art of throwing a bridge, of speedily raising an entrenchment, or of building a tower, and who were astonished to see towers approach their ramparts."—(p. 45.)

This circumstance of the towers occurred after the battle of the Sambre, when Cæsar invested Falais. The natives at first jeered from their wall, and asked, insultingly, how such great weights were to be moved by such little men; but when they saw that the towers did move, they sent an embassy, declaring that they believed the Romans did not carry on war without the assistance of the Gods.

Incidents of this kind can only occur in wars with barbarians, far less advanced in the art than the natives of the Algerine regency. The Gallic war was a war of conquest and settlement; the Romans not only invaded, but to a certain extent colonized the country; but no political end had been or was to be attained; and its most important result was the education and gradual formation of those soldiers and that general who were afterwards to decide by a campaign the empire of the world. The following observation relates to the easy progress made by the Romans in the Gallic provinces.

"Brittany, that great and difficult province, submitted without making efforts proportioned to its power. Such was also the case with Aquitaine and Lower Normandy. It is difficult to appreciate or to determine accurately the causes of this surrender, though it is easy to see that the spirit of isolation and locality

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which characterised the Gauls was the principal one. At that time they had no national and even no provincial feeling; they were swayed by a feeling of township only. 'Tis that same spirit which has since forged the chains of Italy. Nothing is so much opposed to a national feeling, and to the general ideas of liberty, as the private feeling of a family or township. The consequence of this sub-division was, that the Gauls had no standing army, well disciplined and maintained, and consequently no military art or science. If Cæsar's fame rested upon the conquest of the Gauls alone, it would be problematical. Every nation which should lose sight of the importance of a standing army, and which should rely upon levies or national armies, would share the fate of the Gauls, but without even the glory of opposing the same resistance, which was the effect of the barbarity of the time and of the soil, still covered with forests and marshes, without roads, which rendered it difficult for conquest and easy for defence."—(p. 54.)

There is a great deal of the sophistry of the author of a vast system of centralisation, and something of the wisdom of a general and a statesman in this passage. We do not think the Gauls fought less bravely, though they undoubtedly fought with less chance of success, in consequence of their belonging to a village instead of a kingdom, and to a tribe instead of a nation: we agree with the illustrious author, that it is necessary to the safety of a state to maintain a large number of troops; but the questions of national independence and standing armies are far too wide for present discussion, and we return to our heroes, who despised the former as much as they esteemed and cultivated the latter.

When the Roman armies fought to increase the territories subject to their sway, and to spread the terror of their name, successive armies and successive generals sustained the conflict on the same ground for a long series of years. But when the generals of the republic fought for a power in all but the name supreme, the theatre of war was shifted with extreme frequency and rapidity: the prize which was contended for in Italy, in Spain, and in Thessaly was the same; and the destruction of the enemy's army, in whatever province it took place, opened a direct road to Rome. It was no poetical exaggeration of the poet to place the Roman senate on the shores of Epirus, where the crisis of the struggle was to be resolved:

> "Nam, vel Hyperboreæ plaustrum geniale sub Ursæ,
> Vel plaga qua torrens, claususque vaporibus axis,
> Nec patitur noctes, nec iniquos crescere soles,
> *Si fortuna ferat, rerum me summa sequetur,*
> *Imperiumque comes.*"
>
> PHARSALIA. v. 23.

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These rapid changes of scene, in the political or Civil war, gave an especial importance to what are called, in technical language, territorial operations. Territorial operations are that part of the art of war which determines at the opening of a campaign the choice of the countries to be occupied, and the particular route to be followed by an army; strategy directs the movements of an army on its line or lines; and tactics consist in the art of manœuvering in presence of the enemy, and giving battle. Napoleon's earliest successes were mainly owing to his bold and novel territorial operations; he took the most unexpected route, he moved along it with unexampled rapidity, and he brought up large masses to bear upon the point at which he was sure of meeting and crushing his enemy. It was thus that he followed the path of Hannibal over the Alps, and burst upon the north of Italy like the rush of a whirlwind.

When the Civil war broke out the legions of Cæsar already occupied the north of Italy, for by an unhappy conformity of names Cisalpine Gaul had been united to Gaul beyond the Alps. There was but one road which could lead him to victory: it lay across the Rubicon. Then it was that Pompey, overawed by the troops which had been seasoned in the Gallic war and in the camp of his great rival, neglected to relieve Corfinium, and retired to Brundusium, whence he embarked with twenty cohorts to join his army in Epirus. This movement, which Pompey decided upon with a degree of hesitation very different from the promptitude of Cæsar, changed the whole nature of the war. Cæsar had not the means of following the army of Pompey; he was coldly received in Rome, and the lieutenants of Pompey who commanded six legions in Spain, threatened the Gallic provinces, which were still the base of his operations. Cæsar then undertook his rapid and brilliant Spanish campaign, which he achieved in an incredibly short time, by the sole ascendancy of his manœuvres against an army of equal strength. In July he passed the Rubicon, in August he was master of the whole of Italy; in October of Spain and of Marseilles; in November he was dictator at Rome. This result could scarcely have been attained if the enemy had not quitted Italy. Napoleon's comment is just and conclusive.

"Pompey was mistaken in the disposition of the people; the opinion of the

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nobles and the senators, who talked loud and were very adverse to Cæsar, deceived him; the people had an invincible inclination for Cæsar.

"The six legions which he had in Spain might have joined him at Rome in a few weeks, if they had been embarked at Carthagena, Valencia and Tarragona, and landed at Naples or Ostia.

"It was Rome that should have been preserved; it was there that he ought to have concentrated his whole forces at the commencement of the civil wars. It is necessary to keep troops together because they excite each other, and gather confidence from the strength of their party; they become attached, and they remain faithful to it. If the thirty cohorts of Domitius had been encamped before Rome with the two first legions of Pompey; if the legions of Spain, and those of Africa, Egypt and Greece, had proceeded simultaneously to Italy by sea, Pompey would have combined a larger army than Cæsar in a shorter time." —(p. 125.)

This error of Pompey's was evidently still greater in its political than in its military consequences. He transported into a distant province the party of which he was the head, and placed the whole question of his success upon the issue of the campaign. But the plan which Cæsar followed in the pursuit of his fugitive rival appears to be equally open to criticism. He sailed from Brundusium over the Adriatic, of which he was not master; and although he effected his landing, his fleet was attacked by Bibulus on its return, and that admiral succeeded in cutting off the communication between Cæsar and Antony. The analogy between these operations and the fate of the fleet which had conveyed the French army to Egypt, will suggest itself to the reader. But Cæsar might perhaps have avoided this disaster; we quote the observation of Napoleon.

"The twelve legions which Cæsar collected at Brundusium came from Spain, Gaul and the banks of the Po; it seems then that he would have done better to direct them through Illyria and Dalmatia to Macedonia: from Placentia there is no intersection of the two routes; the distance is the same to arrive at Epirus; his army would have got there undivided, he would not have had to cross the sea, an important obstacle, his passage over which nearly proved fatal to him in the presence of a fleet superior to his own.

"This obstacle it is true was less strong then than it would be now. Navigation was in its infancy; the vessels could neither cruise nor tack; it even appears that they were not stored with water for any length of time, as the fleet of Bibulus was reduced to an entire want of it, by a few days of contrary winds."—(p. 148.)

The position into which Cæsar had thus brought himself was a very dangerous one. For five months the armies lay in their entrenched camps at Dyrrachium, Pompey constantly refusing a drawn battle. But although the rash manœuvres

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of Cæsar were at length followed by his defeat at Dyrrachium, and by the loss of a considerable body of troops, they taught him the inefficacy of the system he had pursued. He retreated into Thessaly; Pompey was drawn away from his strong position, and from the numerous fleet which gave him so great an advantage, to those plains of Pharsalia where the party of the republic was finally defeated.

The most curious features in this campaign are the long persistance of the two generals in their entrenched camps, and the remarkable disparity of the numbers who fell in the conquering and conquered army at the battle which terminated the war. As both these points are peculiarly illustrative of ancient warfare, we shall extract the passages in which they are discussed.

" The Romans owe their constant success to the method which they never abandoned of encamping every evening in a fortified camp, and of never giving battle without having an entrenched camp behind them, to receive and protect their stores, their baggage and their wounded. The nature of the arms of that age was such that these camps were not only secure from the attacks of an equal, but even of a superior force. Marius is assailed by a host of Cimbri and Teutones; he shuts himself up in his camp, and waits there till a favourable opportunity ensures him a complete victory.

" Why then has so wise a maxim, and one so pregnant with great results, been abandoned by modern generals? Because the nature of offensive arms is changed; hand-arms were the principal weapons of the ancients; the Legionaries conquered the world with his short sword, and Alexander conquered Asia with the Macedonian pike. The principal arms of the moderns are missile weapons—the musket, that weapon which is superior to every other invention of men; no defensive weapon can parry its effect—shields, coats of mail and cuirasses have been found to be of no avail, and abandoned. With this formidable instrument a soldier may, in a quarter of an hour, wound and kill sixty men; he is never in want of cartouches, because they only weigh six drams. A musket ball hits at 600 toises, is dangerous at 120 toises, and murderous at 90 toises.

" The consequence was that the ancients habitually formed in deep lines; and they were able to encamp on a small surface of ground. The moderns on the contrary, with their missile weapons, habitually form in such a manner as best enables them to use those weapons at a distance, and to avoid being exposed to a converging fire of the enemy. A fire from the centre to the circumference is null; that from the circumference to the centre is irresistible."—(p. 89.)

" A Roman camp was placed without regard to the nature of the locality. Any locality was a good one for armies whose whole force consisted in hand-weapons *(les armes blanches)*. Neither coup-d'œil nor military genius were required to encamp well. But the choice of positions, the manner of occupying them and of placing the different kinds of troops, by taking advantage of the circumstances of the ground, is an art which forms a part of the genius of a modern commander.

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"The tactics of modern armies are founded upon two principles: 1*st*. They ought to occupy a front which allows them to bring all their missile weapons into action with advantage. 2*nd*. They ought, before all, to prefer the advantage of occupying positions which command, turn, and cross the enemy's lines, to that of being covered by a ditch, a parapet, or any other field fortification."—(p. 87.)

Changes of at least equal importance have been effected, in the cost and consequences of a battle, by modern tactics.

"At the battle of Pharsalia Cæsar lost two hundred men; at that of Thapsus fifty; at Munda a thousand, whilst his enemies lost their whole armies. The loss of Pompey at Pharsalia was estimated at fifteen thousand. This great disproportion of the losses in actions, so contested between the conqueror and the conquered, does not occur in modern armies, because they fight with missile weapons, and that cannon and muskets kill equally on both sides, whilst the ancients fought with their swords in their hands till they had won the battle. The loss was then small; the bucklers warded off the darts, and it was not till the moment of defeat that the conquered army was massacred. The battle then became a multitude of duels, in which the vanquished turned their backs and received their death-wound.

"The generals in chief of ancient armies were less exposed than those of modern armies; they warded off the darts with their bucklers; the arrows, slings and missile instruments were not very killing weapons. Some bucklers have parried as many as two hundred arrows. At the present time a general in chief is obliged to be daily within the range of cannon, often of grape-shot, and at all battles within musket-shot, to reconnoitre and give his orders. The power of sight is not sufficiently strong to enable a general to keep out of the reach of balls.

"It is an established opinion that the wars of the ancients were more bloody than those of the moderns. Is this exactly true? Modern armies fight every day, because cannons and muskets act at a distance; the van-guard and advanced posts fire upon each other, and frequently leave five or six hundred men on the field of battle on either side. The combats of the ancients were more rare and less bloody. In modern battles the loss of each army (which is, with killed and wounded, pretty nearly equal) is greater than the loss in the battles of antiquity which fell only upon the beaten army."—(p. 206.)

The direct inference to be drawn from this remark is that the individual who made it had caused a greater effusion of blood than any man who ever lived in the world. The question must necessarily remain undecided. But when we reflect how rarely the Temple of Janus was closed, how perpetual were the levies of the consular armies, how incessant the toils of the Roman soldiers for centuries on various points of their growing empire, we are led to believe that the mass of human life then sacrificed was greater than in any other long period of history. In modern times wars are more bloody, but they are infinitely more rapid; their results are more

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speedily attained, and we have much longer intervals of peace. Perhaps, indeed, we might apply to military matters, the remark which we made a few pages back on historical characters; the machine is more perfect, but the men who work it are of less individual weight. The generals of antiquity had no occasion to calculate with deliberate coolness the exact sacrifice of their own troops, which the attainment of a given end demands. Their greatest success was attended with least loss; and, as at the battle of Pharsalia, victory was safety. We do not recollect an instance in ancient history, except some acts of heroic self-sacrifice still cited for their great rarity, which can be compared to the utter disregard of the safety of his army displayed by Napoleon on such occasions as the taking of Smolensko, when he exposed the flesh and blood of his columns, unprotected by a proper batterie de siège, to the walls of a fortified place.

Nevertheless we are ready to admit that war is now carried on with more morality than in ancient times. Our law of nations is sanctioned by the public opinion of all the enlightened people in the world. That law is the result of a tacit but reciprocal convention between all civilized nations for the purpose of reducing the evils of war to their least possible amount, and of substituting fixed rules of action, in difficult points of public morality, for the injudicious or vindictive measures which a man in uncontrolled command might rashly adopt. It is not, however, to be denied that this tacit convention stands less chance of being observed on either side, in a war where one party alone professes the more just and humane principles of civilization. The most equivocal of Napoleon's actions in time of war were committed during his Egyptian campaign; and although Cæsar frequently avows summary measures far more cruel and unjustifiable than any of which Napoleon was ever accused, it is not to be forgotten that in Gaul he fought with barbarians, without the restraint which public opinion now exercises over the military as well as the civil world. The Romans almost always made war upon nations inferior to themselves in civilization, and they followed not so much the law of nations as a law made by Rome for her vanquished enemies. No commander of modern times would have dared to treat Vannes as Cæsar

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did after it had surrendered at discretion, by murdering all her senators and selling all her inhabitants by auction—a measure which Napoleon justly holds up to execration. If no other change had been effected, than the suppression of the hateful treatment of prisoners of war, the improvement would be a great one; for their slavery perpetuated, even in peace, all the hardships of defeat.

There is one point connected with the morality of the great men and political leaders of antiquity, to which Napoleon reverts four times in this volume; we allude to the suicide which so often closed their career. We quote his observations on the death of Cato:

"The conduct of Cato was approved by his cotemporaries, and has been admired by history. But to whom was his death useful? To Cæsar. To whom was it pleasing? To Cæsar. To whom was it fatal? To his own party and to Rome. But, it is objected, he preferred to kill himself, rather than to bow to Cæsar. Who obliged him to bow? Why did he not follow either the cavalry, or those of his party who embarked at the port of Utica? They rallied the party in Spain; how great would have been the weight of his name, his advice and his presence, in the midst of the ten legions which in the following year balanced the destinies of the field of Munda! Even after that defeat, what would have prevented him from following the younger Pompey by sea, who survived Cæsar, and gloriously maintained for a long time the eagles of the Republic? Cassius and Brutus, the nephew and the disciple of Cato, killed themselves on the field of Philippi. Cassius killed himself when Brutus was victorious; by a misunderstanding, by a desperate act inspired by false courage and false notions of greatness, they gave the day to the Triumvirate. Marius, when abandoned by fortune, was greater than fortune; shut out from the midst of the sea, he hid himself in the Minturnian marshes; his constancy was rewarded; he re-entered Rome and was a seventh time consul; old, worn out and arrived at the highest pinnacle of prosperity, he killed himself to escape the vicissitudes of fate*. But when his party was triumphant, if the book of fate had been laid open before Cato—if he had seen there, that in four years Cæsar would fall in the senate house, at the foot of Pompey's statue, pierced by three-and-twenty daggers—that Cicero would once more mount the rostrum to hurl his philippics against Antony, would Cato have stabbed his breast? No! he killed himself in vexation—in despair; his death was the weakness of a great soul—the error of a stoic, a stain upon his life."—(p. 197.)

This eloquent rebuke was evidently not uttered without a deep feeling on the part of Napoleon, that one of the points in his own character which posterity would most approve,

* The death of Marius has more commonly been attributed to his excessive intemperance at an advanced period of life.

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was that firmness which had supported him under his extreme reverses, and dashed the poison from his lips (if the tale be true) in the wretched solitude of Fontainebleau. This passage was dictated, be it remembered, when he felt himself too near his end to look forward to any improvement of his own condition. He returns to the subject again a few pages afterwards.

"It is said that Cæsar was on the point of killing himself during the battle of Munda; that act would have been very fatal to his party; it would have been beaten like that of Brutus and Cassius!!—Can then a magistrate, a leader of a party, voluntarily abandon his followers? Is such a resolution courage, virtue and strength of mind? Is not death the end of all evils, of all perplexities, of all troubles, of all toils; and is not the surrender of life the habitual virtue of a soldier? Does a man desire, ought he to kill himself? Yes, it is replied, when he is without hope. But who, when, or how can any be without hope on this shifting theatre, where the natural or unavoidable death of a single man, changes at once the state and face of affairs."—(p. 206.)

There is perhaps nothing very novel in these expressions, and they do not even allude to the higher argument of duty to God, which is the conclusive position against suicide; but there is to us, something very solemn in this avowal of the principles of duty to man and to himself, which had doubtless passed through Napoleon's mind, in the midst of extreme temptation. He was sustained by the strength of anticipated action, and by that plain practical philosophy, which was certainly increased and perfected by the meditative close of his life:

"Resign'd to die, or resolute to live."

The following passage is still more striking, because it draws with but small differences, the whole history of his own political career from his accession to the consulate.

"Cæsar arrived at Rome in the month of October (the calendar was then reformed), of the year 45 B.C., on his return from Spain. He was assassinated in the month of March 44. He was master of the world for six months. The senate declared him imperator and perpetual dictator; from that time he always wore a crown of laurel, and the triumphal robe on days of festival. *He created a great number of senators and patricians.* He had reformed the calendar; he caused a civil, criminal and penal code to be begun; he had designs made for embellishing Rome with several fine edifices; he caused a general map of the empire and a statistical account of the provinces to be prepared; he charged Varro to form an extensive public library; he announced a plan of draining the Pontine marshes, of cutting a new channel for the Tiber from Rome to the sea, and of making a harbour at Ostia, capable of holding the largest ships; he talked

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of cutting through the isthmus of Suez, and he sent colonies to restore Corinth and Carthage.

" He sincerely pardoned all who remained of the faction of Pompey, and called the principal patrician houses to the highest functions; in this he obeyed a feeling of generosity which was natural to him, but he also followed the dictates of policy. He had crossed the Rubicon at the head of the popular party; by its assistance he had conquered the haughty aristocracy rallied around Pompey. What indeed could he have done with two or three legions? How could he have subjected Italy and Rome, without sieges and without battles, if the majority of the arms of the Romans and Italians had not been for him? Pompey, at the commencement of the civil war, had two old legions and 30,000 men at the gates of Rome; he had thirty cohorts at Corfinium, but the people was against him, and he was obliged to abandon, without a combat, the eternal city. He crossed the seas to join the legions of Asia; he formed an army, and found himself in Greece surrounded by the senate and the majority of the patricians, but Cæsar from the beginning was the master of Rome.

" After the triumphs of Pharsalia, of Thapsus and of Munda, the party of Pompey was destroyed; the popular party and the old soldiers raised their pretensions, and made their voices heard; Cæsar was disturbed by them; he had recourse to the principal families to restrain them. In nations and in revolutions aristocracy always exists: if you destroy it in the nobility, it immediately places itself in the rich and powerful houses of the middle classes; if you destroy it there, it survives and takes refuge with the heads of the working classes and the people. A prince gains nothing by this transposition of the aristocracy; he puts every thing to rights on the contrary, by allowing it to subsist in its natural state, and by reconstituting the old families on the new principles. This order of things was especially necessary in Rome, which commanding the world, required the magic attached to the names of Scipio,' Metellus, Claudius and Fabius, to maintain her superiority."—(pp. 206—210.)

Montesquieu remarks with truth, " César pardonna à " tout le monde; mais il me semble que la modération que " l'on montre après que l'on a tout usurpé ne mérite pas de " grandes louanges." The notion of re-constituting the old families on new principles, was a frivolous delusion, when the citizens had been taught to look up to one man as the head and protector of their commonwealth. The outward dignities which the old aristocratic party condescended to receive from the hand of one so recently their equal or inferior, could not restore their real influence, or perpetuate the traditions of their race. The new dignities conferred by the Dictator could only lower those who accepted them to the debased condition of the patricians of the time. But it was Napoleon's constant error to suppose that he could create an aristocracy, after he had accumulated on his own head, and whilst he retained in his own hands, all that power which

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makes an aristocracy useful. The following paragraph seems to continue the parallel, and the indirect defence of his own policy.

"Whilst this great man was preparing himself to fulfil these lofty destinies, the remains of the aristocratic party, which owed their life to his generosity, conspired against his life. Brutus and Cassius were the leaders: Brutus was a stoic, the disciple of Cato. Cæsar loved him and had twice saved his life, but the sect to which he belonged admitted no mitigation of its austere principles. He was full of the ideas taught in the schools of Greece against tyranny; the assassination of every man who actually stood above the laws was regarded as a legitimate action. Cæsar, the perpetual dictator, governed the whole Roman world; he had only the semblance of a senate; it could not be otherwise, after the proscriptions of Marius and Sylla, the violation of the laws by Pompey, five years of civil war, so many veterans established in Italy, attached to their generals, awaiting every thing from the greatness of certain men, and nothing from the republic. In such a state of things, these deliberative assemblies could no longer govern: the person of Cæsar was then the guarantee of the supremacy of Rome over the world, and constituted the security of all parties of citizens: his authority was therefore legitimate.

"In sacrificing Cæsar, Brutus gave way to a prejudice of his education; he compared him to the obscure tyrants of the towns of Peloponesus, who, by the aid of a few intriguing partisans, usurped the authority of the city; he refused to see that the authority of Cæsar was legitimate, because it was necessary for the protection and preservation of all the interests of Rome, because it was the effect of the opinion and the will of the people. Cæsar being dead, he was replaced by Antony, by Octavius, by Tiberius, by Nero, and after him all human combinations were exhausted for a period of 600 years, but neither the republic nor the royal monarchy re-appeared—a sure sign that neither the one nor the other were any longer suited to the course of events and to the age. Cæsar did not desire to be a king; he could not desire to be a king, because none of his successors for 600 years after him, desired to be one. It would have been strange policy to substitute for the curule chair of the conquerors of the world a rotten throne—the scorn even of the conquered."—(p. 219.)

The last part of this sentence, together with a good deal which we have omitted, is evidently a mere quibble on the word king. The former part speaks for itself; it is the sophism by which a successful soldier, making the people his dupe and the aristocracy his tool, planted himself upon a seat as lofty as a throne, and established that most accursed of all governments, a MILITARY DESPOTISM. Unhappy the country in which the people has been so agitated by convulsions, and the aristocracy so shaken in its power, or so blind to its duties and its interests, as to yield a stupid assent to the debasing falsehood! Happy the world in which men are rarely found to assert that the prostration of their country legalizes their own usurpation; and that those only assert, who have accomplished it!

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Before we take leave of this volume, we cannot forbear quoting a fragment of criticism on the second book of the Æneid, which is an amusing specimen of the petulant style and searching attention of its author. With this quotation we conclude, in the pleasing assurance that Napoleon was not only a very great general and ruler, but that he possessed in a remarkable degree, the qualities which give weight and point to the lucubrations of a reviewer.

"The second book of the Æneid is considered the chef d'œuvre of that epic poem; it deserves its reputation in point of style, but falls very short of it in the matter which it treats.

"The wooden horse may have been a popular tradition, but that tradition is ridiculous and quite unworthy of an epic poem. Nothing like it is to be found in the Iliad, where every thing is conformable to truth and to the practice of war. Is it possible to suppose that the Trojans were such fools as not to send a fishing-boat to the island of Tenedos, to inquire whether the thousand vessels of the Greeks had stopped there, or whether they were really gone? But the roads of Tenedos could be discovered from the towers of Ilion. Is it possible to believe that Ulysses and the flower of the Greeks were so stupid as to shut themselves up in a wooden horse, that is to say to deliver themselves over to their implacable enemies bound hand and foot. Supposing that this horse only contained an hundred warriors, its weight must have been enormous, and it is not probable that it could have been brought from the sea-shore to the walls of Ilion in one day, especially as it had to cross two rivers.

"The whole episode of Sinon is improbable and absurd; the resources of the poet, and the eloquence of the speeches he puts into the mouth of Sinon, do not diminish its absurdity. Nevertheless the horse must be introduced into Troy* on the very day of the departure of the Greeks, without which it becomes still more improbable that the thousand vessels of the Greeks could remain concealed so near Troy.

"The beautiful and pleasing episode of Laocoon recommends itself, but it does not in the least diminish the absurdity of the Trojans' conduct, since they might have left the horse in its position in the camp for several days, and have got certain information that the enemy's fleet had sailed, before they knocked down the walls to bring it into the city.

"The warriors shut up in the horse, to whom Sinon opens the gate, do not come out till the Grecian fleet, which had left Tenedos when all was asleep and

* The word Troy is always mis-spelt in the French original; it is written Troyes (like the French town of that name) instead of Troie. This trifling error affords a striking confirmation of the authenticity of the production, which was dictated by the Emperor to Marchand, an uneducated man, and has been published without correction. Indeed it would not be difficult to point out many incorrectnesses of style, and mistakes evidently arising from the same cause. The observations in the text were obviously made on a French translation of Virgil—though we have substituted the original lines in our quotation a little further on.

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in the darkness of the night, had landed the army; that could not have been before one o'clock in the morning; it was not till that hour that the posts of sentinels fell asleep, and that Sinon could open the gate. The whole of the second book of the destruction of Troy is therefore performed between one in the morning and the rising of the sun, that is to say in three or four hours; all this is absurd. Troy could not have been taken, burnt, and destroyed in less than a fortnight. Troy contained an army; this army did not run away, therefore it must have defended itself in all the palaces. Æneas, who lodged in his father's palace in a wood half a league from Troy, was only apprised of the taking and burning of the city by the ghost of Hector. If the house of Anchises had been two leagues from the city, the tumult of the taking of the city and the heat of the burning of the first houses would have awakened the men and the animals."

Napoleon was evidently thinking of the burning of Moscow, to which he shortly afterwards refers. He had said some time before to O'Meara, "I then retired to a country house of "the Emperor Alexander's, distant about a league from "Moscow; and you may figure to yourself the intensity of "the fire when I tell you, that you could scarcely bear your "hands upon the walls or the windows on the side next to "Moscow, in consequence of their heated state. It was the "spectacle of a sea and billows of fire, a sky and clouds of "flame; mountains of red rolling flames, like immense waves "of the sea, alternately bursting forth and elevating them-"selves to skies of fire, and then sinking into the ocean of "flame below. Oh! it was the most grand, the most sub-"lime, and the most terrific sight the world ever beheld. "Allons, Docteur." Æneas, however, does not appear to have seen any thing of the kind; and Virgil could scarcely have described the spectacle in loftier language. He does, however, say, and very forcibly, a little further on:

"Jam per mœnia clarior ignis
Auditur, propiùsque æstus incendia volvunt."

We return to our quotation:

"If Homer had treated the taking of Troy, he would not have treated it like the capture of a fort, but he would have employed the time necessary; at least eight days and eight nights. In reading the Iliad one feels every instant that Homer had seen actual service, and had not passed his life, as the commentators say he did, in the schools of Chios; in reading the Æneid one feels that it is the work of a pedagogue, who had never seen any thing at all. It is difficult to perceive what induced Virgil to begin and to terminate the capture, the burning and the pillage of Troy in a few hours: in that short space of time he even collects the booty in central store-houses. The house of Anchises must have been very near Troy, since in so few hours, and notwithstanding the fighting,

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Æneas went to it several times. Scipio required seventeen days to burn Carthage, abandoned by its inhabitants; it took eleven days to burn Moscow, though for the most part built of wood; and it requires several days for a conquering army to take possession of a city of such extent. Troy was a great city, for the Greeks who had 100,000 men, never attempted to surround it. When Æneas returns that same night to Ilion he finds:

'Custodes lecti Phœnix et dirus Ulysses
Prædam asservabant: huc undique Troïa gaza
Incensis erepta adytis, mensæque Deorum,
Crateresque auro solidi, captivaque vestis
Congeritur.'

"For this operation alone more than a fortnight is required; and it is not in the midst of the disorder of a city taken by storm that any one amuses himself with heaping up wealth in central magazines.

'Sic demum socios *consumptâ nocte* reviso.'

"Thus from one in the morning till dawn, that is to say in three hours, Æneas went to Troy, fought in all the combats which he describes, defended the palace of Priam, came back to Troy to look for Creüsa, and found the city taken without any more fighting, entirely occupied by the enemy, all burnt, and the magazines already shut. Such ought not to be the march of epic poetry, and such is not the march of Homer in the Iliad. The diary of Agamemnon could not be more accurate for distances and time, and the probability of military operations, than that masterpiece is."

We trust the time is gone by when literary critics affected to sneer at Napoleon because he read Ossian in a poetical translation worthy of a better original. But this volume contains proofs that his mind was profoundly sensible to the highest excellence in literature—deriving its greatest pleasures from those compositions in which his own practical experience heightened the reality of poetic truth. We can only express a hope that amongst the unpublished papers still in the hands of the persons to whom they were dictated at St. Helena, more notes may be found as strikingly characteristic as these which have now been given to the public.

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Article V.

Bill for the Regulation of Municipal Corporations and Borough Towns in Ireland.

Notificazione del I. R. governo, del regno Lombardo Veneto. Feb. 12, 1816—Feb. 8, 1837.

Patente del I. R. gov. L. V. April, 1816.—*Istruzione Organica*, 1816, *&c.*

Revidirte Städteordnung für die Preussische Monarchie mit den dazu gehörigen Verordnungen. 17 *Marz*, 1831.

Königl: Bayerisches revidirtes Edikt. tom I. 1834.

Königl: Sächsische Städteordnung. tom I. 1832.

No. 221, *Loi Communale de la Belgique.* 30 *Mai*, 1836.

Perhaps, the most striking feature in the late debates on the Irish Municipal Bill was the supreme ignorance or contempt evinced on both sides of the House, of the philosophy of the question. With a few honourable exceptions, none ventured to mount to the real vantage-ground of this high argument. They went groping away through a labyrinth of committee details, or grovelling in the slime of local and temporary bigotries, when they should have been looking out over the heads of present men, into future years and generations. It was a barefaced struggle between parliamentary parties; the weapon of the day:—no one seemed for an instant to have supposed that the question by any recent vote could have been annihilated: the one thing sought for, was delay. Nor was this so much for the purpose of warding off an evil, even for a few months longer, as with a view of reserving the giving of the "grace," to the very men who now most inflexibly oppose it. Every one in his senses, who reads history and understands Tory nature, must be perfectly convinced, that these inexorable opponents would not be a week in office without publishing another Tamworth manifesto, denouncing "the narrow measure of the late ministry," and magnanimously "octroyant" in its place a municipal charter, to which even the most rampant Irish imagination had never aspired.

Hence all the well-acted apprehension of Mr. O'Connell's

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political omnipotence, as if it were possible that a British Senate,

"Romanos rerum dominos, gentem que togatam,"

the lords of the millions of India, the givers and takers-away of Canadian constitutions, the tamers of Louis and Napoleon, the umpires of the world, could thus consent sympathetically to quail before a "mere Irishman." If there were sincerity in such fears, never was a more sublime tribute of admiration offered at the feet of any man. In such humiliation France might well see some retribution for the disgrace of Waterloo, and Ireland, vengeance large and full, (though that is a wide term) for centuries of insult and degradation. For to what lower degree of abasement could this proud England be reduced, than thus to find herself obliged to guage her legislation by the power—or rather by the popularity of any man. Whether he compels or prevents,—he thus equally becomes her master. If she cannot be just or wise until she shall crush the agitation, or the agitator shall consent to go to sleep, it is he who rides the chariot of the whirlwind; and she it is, who is dragged at its wheel.

But this was the pretext—not even Mr. Richards could mistake it for the reality—the reality we have stated. No wonder, then, that such puny causes should have produced as puny a warfare; in the nature of parliamentary things, it could scarcely have been otherwise. Apologies may indeed be offered, and doubtless some useful lessons have been gleaned. The Irish liberal members saw in the discussion an insult offered, and an insult to be repelled. Quite natural. Men born free, will not tamely consent to be treated as the manumitted slaves of yesterday. They would deserve such and worse treatment, if they did.

Churchism, on the other side, has been extravagantly candid and instructive. Last year, she withdrew the mask with a sort of hesitating shame; this year, she throws it in our face in defiance. She tells us not clearly only, but insolently, what she has become and what she intends to be. We no longer hear of Church-and-State, but of the State included in the Church:—in a word, the Church everything, the State nothing. Hence all the outcry about a transfer of power, and

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what is still more absurd, the practicability of prosecuting it; a refusal of general and positive rights, rather than risk the chance of transferring an existing monopoly. Yet the change apprehended has already taken place, not granted by this or that bill, or extorted by this or that agitator, but the calm result of those very elements and forces which rendered each of those Bills, — Relief, Reform, &c., &c., — successively inevitable. Sir Robert Peel, during his three-quarters of an hour's apology for having erred into justice by his Emancipation measure, took especial care to remove all suspicion, that he had been wise, except upon compulsion. Not one word in the whole of that speech on justice—not a syllable on the claims of millions of men—nothing on their labour, treasure, blood, contributed to the maintenance of the very country which rejected these claims: all he thought of was the great Mother; he merely condescended to inquire whether the high Protestant caste of England was yet ripe for contact with the Catholic Paria.

In this, however, he merely did homage to the sovereignty of circumstances. It was only removing the question a step farther—that step he was afraid to take: he did not ask, what produced this change in the Protestant mind, who wrought the sudden miracle? The wonder-worker was the Catholic himself;—Catholic industry, intelligence, wealth; —in its simplest expression, Catholic *power*, increasing as it must increase every day, not by the concession of Sir Robert Peel or of Lord Lyndhurst, but by the immutable law which impels forward all human societies. Maces and golden chains and scarlet robes have not given it, and will not give it; neither can their denial take it away. The only difference will be the creation of a different channel for its manifestation. If this be doubted, let the sceptic go and study the Irish corporations as they are, and the Catholic Association as it was. The nature, however, of this channel is worth discussion; it is of consequence to ascertain what it should be, not to the Catholic only, but to every man, Protestant or Catholic, who values the peace and security of either country. It is of deep moment whether it should be displayed through the constitution, or in defiance of the consti-

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tution; by erecting another constitution, as was once done, without the constitution.

Between these two courses we have a choice. We may select according to our taste, municipal councils, or extra-legal if not illegal associations. But as to the power itself —we cannot expel,—bind,—much less annihilate the mighty spirit. It laughs in its strength our legislative exorcisms to bitter scorn. It holds from a totally different master. To imagine, with a contemporary, that in order to conquer Ireland into Churchism, it will suffice to rave of a Repeal of the Union and Relief Acts, merely shows how soundly some men contrive to sleep while all the world is broad awake around them. Such a personage must have been a contemporary of Cromwell's, and been snowed up like the English knight in the Alps, from that time of vigorous proselytism to this. While he was about it, he ought however to have gone more boldly to work; it would have been a more energetic and quite as wise a project to urge the removal of the island some hundred leagues into the Atlantic, (only think of the party of the "Removers;") or with a considerate conservative of the time of Elizabeth, since imitated by Sir Joseph Yorke, to suggest her being sunk and her inhabitants with her, for four and twenty hours under water. This would be a really final measure, by the side of which even Lord Stanley's healing prescriptions would be milk and water palliatives. But though we think that such a measure might rid us of Ireland, we know nothing short of it which could. Seven millions of men cannot be guillotined or put in the stocks;—Irishmen will continue in Ireland, and Ireland will not remove from our side into the Atlantic, though we were to repeal the statute book from beginning to end. Steam binds her to us more vitally than ever. What then are we to do with this same inveterate Siamese connection? We must consult the twins. They manage their union far better than we. Neither is fool enough to attempt ascendancy, well knowing that the other would not be fool enough to suffer it, if he did; one does not drink whilst the other thirsts, nor toil while the other eats. Both obey their joint destiny, not by force but through love; they are twins, but brothers too.

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We do not propose to argue this question in any one of these bearings. We look to something higher and broader than Pro-Catholic or Anti-Catholic contentions for supremacy. We look to the people and not to the sects; to all forms of local government as well as to municipalities. This is only one mode of the great question, and perhaps not the most important. We wish to insist on the principle, and then bear it out fearlessly to *all* its applications. Had the principle been better understood, we should not have stopped where we now are. We have reformed our municipal bodies it is true; that is, just done enough to see the necessity of doing more. England is not made up of towns, and there is no reason why townsmen should have one constitution and countrymen another. Nor in what we have done, have we yet fully felt the nature of our work. We have considered it in too isolated and special a manner. We have thought only of the local power, of the local agency, of the local interests. We have taken no heed how they might work, or whether they ought to work with the central. Yet it is upon the harmonious blending of both that their real and full efficiency depends. Disproportionate attention to either injures both.

Hundreds of instances of such effects might be adduced quite strong enough to render all theorising unnecessary; yet there is scarcely a point in our politics, upon which men, not only of the same party but of the same section, more strikingly differ. One sees no evil but in centralisation, another none but in localisation. Now, truly speaking, the real evil is not in either, but in their separation. Indeed, no truer test can be taken of the approach of any country to the perfection of political administration, than the more or less felicitous adaptation of these two forces to each other. They effectively measure that proper proportion of freedom on one side, and executive energy on the other, which may be combined without mutual injury, and with mutual advantage. If the amount and nature of these powers, and if the processes by which they might, with most safety and ease, be brought into combination, were once determined, the application would be almost a matter of course. On one side we should not see, as in Switzerland, local governments afraid of inviting the central to generalise and

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extend its decisions, lest they might incur the same consequences as the horse in the fable; nor on the other, should we find, as in France, the central government restricting the labours, the "attributions" or powers of the local, and thus immeasurably adding, by this unwise usurpation, to its own duties and responsibilities, in managing not only the really public, but in some measure the private, or at least the parish business of the state.

This is no new question; it is one of the oldest, but one also of the least determined, in the whole range of administrative science. The great struggle between centralisation and localisation, or, in its simplest terms, between the monarchical and theoretical principle on one hand, and the feudal and communal on the other, has been carried on with varied success since the first formation of the great European communities. Within these latter years especially, it has excited, and with reason, great interest; it has been waged, if not with more vehemence, certainly with more enlarged and accurate knowledge of cause and effect. The tendency of each principle is now pretty generally understood. The first leads, no matter what may be the form of the constitution, directly to absolutism;—the second, not less directly to democracy; much in the same way that absolutism tends to aggregate into large masses, and democracy to separate into smaller ones, the states into which they may have been severally introduced. It is then in the very nature of a mixed government,—that on which its character and continuance as such depends,—to aim at a just fusion of both. Where such course is neglected, either of the effects above noticed must soon take place: when resisted, it is to be feared that they are already in action. One or other of the opposite forces begins to predominate. It is very easy to see which will ultimately prevail.

Whether our present state of society is of a patriarchal or conventional origin is not very clear, nor indeed material. Whatever it be, one thing at least is pretty obvious, that large masses of men, in the present state of civilisation, do not acquiesce in the sacrifice or limitation of their rights, except on some tacit conviction of compensating good. Εἷς Κοίρανος ἔστω was an early maxim, not of conquest, but of mere convenience; it is still retained pretty much on the same

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grounds. A club cannot be formed, a company incorporated, without the appointment of a president. Where there is a body, there must be a head; the special organisation of the state is of no consequence, *pro* or *con.* It arises from the common consent of mankind, that there are some matters much better confided to the ministry of one than of many. It arises from that business-like practical spirit of the age, which loves simplicity for the sake of economy, efficiency and expedition; and keeping clearly in view certain ends, takes the most straightforward means to accomplish them. But not for that do men trust even the most honest and intelligent, solely to himself: they place beside him checks and advisers; still less do they overload his hands or head with details. If a president be necessary, so also are directors, committees, sub-committees, bench-committees, secretaries, &c. &c. A central-local organisation is thus, almost as a matter of necessity, established. This is the government which good and prudent men, when left to themselves, set up, as the best possible machinery for the attainment of the ends of society. Let us generalize the system – a mixed government is a larger club.

There are many things which a government, by its very nature, can administer with more efficiency and rapidity, than the people. Its concentration; its position from which it can carry over the great surface of society a general superintending view; the facility it possesses of drawing from various and contrasted materials, for comparing, correcting and finally fixing its judgment; above all the activity with which it can at once reduce decisions to action,—eminently fit it for framing and executing measures in which the interests, not of sections, but of the whole body of the country, are concerned. On the other side, this very embracing and telescopic vision is not without its corresponding defects: its very extension renders it less microscopic, therefore less fitted for the just appreciation and adjudication of the interests of the special locality. Here the immediate inhabitant is the quickest, the clearest, and in most cases the best judge. He understands what has preceded, what is likely to follow: he knows the materials on which, and the instruments with which, he has to work. Transfer this power to a distant authority incapable of entering into such peculiarities, and you establish an uniform treatment, a

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Procrustean legislation, under the appearance of regularity, practically the most irregular which can be imagined. Centralisation in such cases tends to become a series of violent blunders, of errors imposed harshly and continued obstinately, of tyrannies under the name of benevolence, of measures in themselves good, in application not indifferent only but bad. In a free country remonstrances of course will soon proceed from the aggrieved body. But the central body is the judge, and judge in those very local matters in which it has already proved itself incompetent to judge. Nor are such remonstrances likely to be made, still less likely to be attended to, except *in extremis*. A large mass of injustice thus accumulates before it is perceived, and when perceived it is too late—the gangrene has set in.

To exemplify the action of this perversion of powers by realities, would not be difficult. When the central principle is the maxim of government, the provinces soon bear extensive evidence of its operation. In no instance was such perversion more strongly personified, than in Napoleon. He came with all to reconstruct—to re-establish. He came with the passions of men in uproar and conflict, the common mind, a chaos of fragments: no commonwealth: orders, ages, opinions, objects past and present, in deadly strife. If ever, then indeed was there excuse for the cloud-compelling hand of a presiding Jupiter, to crush the giants and to uplift again into order the troubled earth. It was his glory that he had dethroned anarchy; his boast that he had done it by himself—all alone. But it was the passion, not the end, which was the acting force of his conduct. He never ceased, till he ceased to reign, to be the entire state. When the organisation was completed, he did not render up the government of his political world to any inferior divinity: he trusted neither peer nor people with themselves. He was not merely the idol of power, which the Republic-empire of Rome presented, combining under different titles, different faculties and functions—a personification of the changes of centuries; but he was also the active agent and functionary of each;—a multiform sovereign, under various designations,— emperor—minister—general—prefect — huissier;— a sort of terrestrial providence,—a more than Cæsar, Alexander and Charlemagne, on our helpless and humbled earth. Great

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exploits—flaunting displays, were naturally the result: but the people do not flourish on exploits; happiness, to be worth anything, must be of every day. There were triumphal arches, and feux de joie, and popular banquets; but the people had to live, till the next exhibition, on the crumbs. Paris was still France. The improvement in the interior went on by jirks, and in patches. If a road were to be made, it was not left to the local proprietary: they had to ask permission of Paris, to use their own arms and purses. If a bridge was on the point of falling, the "Ponts et Chaussés" were invited to prescribe. Before an answer could be returned, the bridge was no more. The doctor came to find the patient dead. Moral matters went on not much better. The hospital, the school, often tottered and tumbled, like the bridge. No one was allowed to get health or knowledge, without the slow and clumsy aid of the universal dry nurse. What few efforts were made to modify the evil, were made in an intentionally treacherous spirit. Chaptal's curious circulars, attempting to enlarge rights, which the emperor wished to deny, under the emperor's own eye, is a tolerably strong proof of the universal sense of the country. When such a feeling penetrates to a minister, it has not much further to go.

It is true, centralisation is eminently monarchical, and Napoleon was, in the extreme sense of the word, a Monarch. But in this system there were not even the advantages of a monarchy. It was not simple, nor active, nor pervading. Nothing could be more complicated and tardy; nothing more partial. The fiscal benefits to the treasury, or rather to the treasury officers, might have been great; but the ratio between their gain and the people's loss was direct. The prosperity which should have been seen in the institutions of the country, was to be found only in the bureau and its army of dependents. Allow such men the best intentions, the highest intelligence, multiply them as you may, they are still, in all senses, utterly inadequate; they cannot be co-extensive with the people, still less with the people's wants or wishes. An entire district waiting upon a commissioner, subject to all the ante-chamber influences, the back-stair prejudices of individual, even though honest men, —ignorant of the bye-ways which lead to the ear of power,— is a degrading picture indeed of the results of this mania for

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over-governing. A government which insists on doing every thing, must do the affairs of others ill, and can scarcely do its own well. The ball is too large for its grasp; it escapes altogether in the attempt completely to seize it. Even Napoleon failed; nothing in fact turned out more disorganising than this very organisation. The more perfectly he succeeded in his centralisation, the more certainly he prepared the dissolution of his power. His enemies had only to strike once. He left no outworks, no reserve. France was conquered the moment Paris fell.

But exclusive centralisation is not only clumsy administration, but is sure, sooner or later, if it does not produce popular turbulence, to produce popular imbecility. Government attempts to make itself powerful; but it is at the expense of the materials of its power. Where the people are prohibited from a share in the management of their own affairs, most assuredly they will soon lose all taste and capacity for managing them. Treat men as children, and they will become children. They are certain, in the long run, to measure the importance of their position by the estimate inspired by their rulers. This is very well in despotisms; it is their manière d'être; they aim at substituting this automaton existence for living, active men; they employ the means with a full sense and desire of the consequences; but in free governments, whatever may be the means, their ends, at least, ought to be directly the reverse. Exclusive centralisation cannot co-exist with free institutions; it must fret against them wherever they meet. One must absorb or expel the other. Of all the bases of national liberty none appears to us so sure as the right of the people to meet in public assembly, for the expression of their opinions and wishes. Without such right, and we may add too without its frequent exercise, ruler and people must remain for ever ignorant of each other. This it is, more than our parliament, our press, our juries, which sets us up in the true enjoyment of freedom before our fellow men. With this, we require no conventions, no national appeal, no "votation générale," a fallacious test at all times, of the permanent will of any people,—mistaking the particular for the universal, the momentary for the constant, the passion for the temper of the nation. Where there are no popular meetings,—but still more where popular meetings are

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prohibited,—there assuredly will there be moblike revolutions, sudden and transitory constitutions, daily conspiracies. If the Elector cannot reprove in public, he will be certain to slander in private; where the people cannot speak, they will strike; —but through the arm of an assassin.

Now once admit this right of assembling, and you render your "centralisation pure," impossible. Will the men who are accustomed, not as servants but as judges, to scan every act of their rulers—who look upon the legislature as their creature, and the sovereign only as their own selected chief; who carry their privilege of praise or censure, of accepting or rejecting, up to every proposition, even the most weighty of the State,—understand, for one single instant, your unquestionable justice, your judicious policy of excluding them from the exercise of precisely the same privileges in the management of their own private affairs? The legislature itself is on their side; it calls them in to decide on the fate of ministers: their petitions are listened to, are ostentatiously counted up. But when the election of a town clerk or the dismissal of a water-bailiff is in debate, then these most competent of all judges, this vox Populi, vox Dei, is peremptorily and absolutely to be shut out! In other words, self government is your ultima ratio of all free constitution, admitted into all its operations, guaranteed by all its laws:—and after allowing it full range, where its exercise is most questionable and difficult, you stop precisely at that very point where it becomes easy and safe; where the people, not in figure, not by attorney, but in their own proper person and in reality step in. You give the greater, and refuse the lesser which is included in it. You prevent a man from being master of his own affairs, and yet allow him to be master of yours!

What then is to be done? Will you take the other horn of the dilemma? Will you refuse him interference in your affairs too? Will you place the franchises of the citizen and the subject on the same low level as those of the burgher? But if so, you must also extinguish the press, close the doors of parliament, lay an embargo on all word and thought throughout the land. Until you can do this, or something like this, your work is incomplete; as long as you suffer such stimulants to exist, beget they must an appetite, perhaps immoderate, cer-

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tainly irresistible, in every posture of the public affairs. But if they are to exist, what are you to do with the appetite? It must have its food. It is for rulers to determine which is the most appropriate. If they will exclude men from their own affairs, it is not strange they should throw themselves upon those of others. If they will not allow them to agitate about a county or city tax, they may be quite sure they will agitate about a national one. If they complain of the limited experience, the one-sided view, the hot decision of village statesmen, let them confine their statesmanship to the village. In no one point has Conservatism shown a more absolute departure from its own principles, than in this very argument. It complains of the ignorant intervention of the people, and yet compels them precisely in matters, on which they are most ignorant, to intervene.

If the object of these reasoners were really to teach the people the temperate and wise exercise of their franchises, their course would be directly the reverse. The real liberty of a country is not in parchments; it is in the unbroken and comprehensive web of national manners. It is the thoughts and acts of men which make their Constitution, far more than the Statute Book. That may be repealed ten times over, and their liberties will still endure. The "Capitoli immobile saxum" is not in the soil, but in the hearts of Englishmen. This is the product of other qualities, the summing up of their political education. This education, however, is imperfect and incoherent, so long as it does not extend to every portion of their political existence. If the elector does not begin with smaller matters, he will never thoroughly understand greater. The connection between the choice of a parliamentary representative, and a heavy national impost, may be very vague and remote in the mind of a citizen: he balances the guineas of the bribe (certain), against the guineas of the tax (uncertain). Not so between the choice of the municipal delegate, and the municipal rate. Here cause and effect are direct and immediate; they literally come home to the elector's fireside, and very probably come the very next day. The elector who thus learns his duties, will not easily forget on other occasions their import and consequences. Nothing need be changed but the sphere and

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the actors. Parliament is but a larger city or county council: the function is different, the object the same.

Allowing, however, the utmost latitude to this great right, we should not neglect any means by which its exercise may be made most practicable. It must not be allowed to waste itself in excess; it must use, but not abuse its faculties. If centralisation require a check, so also does localisation; if localisation has its advantages, so also has centralisation. It is in the very nature of the local spirit to divide and to limit social effect. The parish, especially where communication is still difficult, forms in itself an island. It has its insular feelings, ignorance, bigotries, and soon also its insular pretensions. As long as this is confined to purely local objects, it is not of much consequence; but the moment it steps out into contact with its neighbours, the whole of the evil becomes great and clear. Common objects are debated and decided in a completely distinct spirit. The wisdom of one alehouse is the folly of another—a pigmy, "pro aris et focis" war starts up; every thing is done, not to benefit one party, but to spite the Mr. and Mrs. Grundies of the other. Even where these open hostilities do not break out, and there is a sort of defensive and offensive alliance between two border republics, still their means of good are poor and straightened; there is no just division of labour: each parish, working in its own sense, gets round, by the most laborious and mole-like processes, to the same end, which, with a little understanding between each other (and by that is implied some external body to compel them to such understanding,) they might have reached, with twice the profit, in half the time.

What is true of one, is true of many—is true of the state at large. There is no commonwealth where there is not centre as well as circumference. How little information and improvement is likely to penetrate to distant districts under such circumstances, is quite clear. There is no depôt where local discoveries in social civilisation may be laid up, thence to be distributed for general use. Hereditary prejudices, insane jealousies, inordinate self-sufficiency, will not allow parish to fraternise with parish; they will neither give nor receive. The train of injuries resulting from this spirit is enormous. Both

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magistracy and people, thus left entirely to themselves, are in a wrong position. The magistrate deriving his authority directly from the district, not invested with the majesty of the commonwealth at large, is the creature often of district passions and caprices; too close an image of the people to have much control over the people. The people in their turn, choosing principally in reference to district necessities, are often neglectful of the public. The monarchical principle is weak, and liable at all times to come into collision with the communal. It is looked on not as an useful auxiliary, but as a dangerous and ever encroaching foe.

A country so administered must be slow and vacillating in its decisions—still slower and feebler in their execution. In time of war, there are as many points of attack as there are independencies. It is a rude form of society—a few steps removed from the family or the patriarchal. The further men advance in civilisation, the more inconvenient it becomes. Sooner or later, the most extreme republicanism must feel the necessity of a common governor. The petty communal states of Greece and Italy are strong exemplifications. Their inter-parochial wars, their alternate banishments, sometimes sweeping away half the state, their prohibitory jealousies, extending even to the literature and science of their neighbours, were all results of this ultra-local tendency. The same principle, and not a little of the same working, is still conspicuous in Switzerland. The dissensions between Basle-ville and Basle-campagne remind us of the middle centuries. They are still in contest upon such simple matters as a common Coinage and a common Customs system. The federative form, though good as an instrument of self-defence, as an enlightening, directing, controlling machinery, is altogether inefficient. Switzerland indeed is split up into local governments by nature, and much physical as well as moral obstacle must be overcome, before a true central power can have its full compressing and combining effect upon its parcelled-out communities. Not so Italy; all she requires is, to pass through the crucible of a despotism, an ultra-centralisation like Napoleon's, to melt into one the elements (in themselves sufficiently homogeneous,) which compose her present political system. America founded on the local principle, her states being only larger municipalities, and

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strict copies of the old corporation system of England. She is defended to a certain degree from all approach to centralisation, by the importance of each state in itself and the immense extent of territory yet unpeopled, all rendering local government necessary to a far greater extent than in our compact, shut-in communities of Europe. Her tendency in the very nature of things is not union and subordination, but division and independence.

In monarchies, however, and especially in European monarchies, centralisation cannot be dispensed with without imminent risk. Both elements must be fully represented; and therefore it is of the highest importance that what belongs to one should not be given to another. It is a misapprehension of this very matter, the precise functions and objects appropriate to each, which has produced on one side the clamour against central, and on the other against local institutions. A monarchy administering solely through boards and commissions, is not better than a democracy administering solely through municipalities. There is a middle term, towards which every country, in proportion to its progress in civilisation, must advance. A strong central government, sooner or later, finds the convenience of remitting, much to the activity and self-interest of the local body; and the local body in return yields itself up, without reluctance, in matters beyond its competence, to the direction and generalising spirit of the central. Such has been invariably the march of every political society, whether beginning at one end or other of the scale, with absolutism or democracy. All have successively felt the advantages of this combination. It may be worth our while to show this in operation in other countries, before we approach our own; we shall then be entitled to ask, why should any portion of its inhabitants, on any one ground, be suffered to form an exception?

No country, not utterly barbarous, is altogether without an organisation of the kind. The Ottoman empire exhibits the local principle, quite as strongly as the central. The village has its government as well as the empire; the local authority is a direct emanation of local interests. Even in their administration of Greece this same principle was long conspicuous. The Greek Primates and the Greek Papas maintained, under the authority of the Porte, the district administration. In

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the islands especially, such government was visible; it often presented the image of a complete republic in the midst of as complete a despotism. It was the soul first of commercial, subsequently of warlike enterprise — producing in these countries precisely the same results as it did in former ages in the republics of Italy and the free towns of Germany*. To the local principle, in the midst of wars and tyrannies, general and commercial, both were mainly indebted for their prosperity. To a similar organisation, so strictly identifying the *amor patriæ* with the *amor soli*, Holland and Belgium may trace not their riches only, but their liberties. In Spain, Portugal and France, the *communes* were alternately the bulwarks of popular independence against monarchy, and of monarchy against feudalism. In England, the Folksmote, a mixed body, partly judicial partly administrative, presented so early as the Saxon period, the elements of our proposed county councils. Prussia, Austria, &c., not only suffer but authorise the principle, under the various forms of provincial and municipal councils. Livonia, Esthonia, Gallicia and Carinthia have their local states. Thus, not only scattered traces are everywhere to be met with, but it is found to form an integral portion of the most contrasted governments.

The origin and working of these combined powers deserve to be examined more deeply. The first idea is generally ascribed to the Teutonic races. They may be traced to a much earlier civilisation. We find the model both of the municipal and provincial organisation, in the Roman *Municipium*. During the earlier conquests of the Romans, the inhabitants of the conquered city were usually transferred to Rome, and became Romans. They were replaced by soldiers. It was not until the year of the city, 365, that they were permitted to retain their local laws and administration, whilst admitted in some degree to the privileges of the capital. Some, like Cœre, merely received the title, others were admitted without right of suffrage; others again, with this right and all others appertaining to the native-born Roman, but never without the previous consent of the muni-

* We have only to instance, even while under Turkish rule, the comparatively flourishing state of Hydra, Syria, &c.

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cipium*. This at once separated their municipal rights, interests and offices, from their political. The first continued to belong to the municipium, and were exercised by its inhabitants with an entire independence. The second were transferred to Rome. Thus, the right of war and peace, voting laws, distribution of justice, raising of taxes, &c., ceased to belong to the municipium and could only be exercised in the capital. Personally or by deputy they assisted at the Comitia, elected the magistrates and were themselves eligible to all the honours and offices of the state. Their municipal rights were confined to the locality. They consisted, as far as we can ascertain, in the following privileges:

First—Right of worship, religious ceremonies and feasts; each city not only preserved in this particular its ancient usages and perfect independence in administering them, but the Roman law itself watched over their preservation, and imposed this duty on all its authorities. Hence every municipium retained its priesthood and Flamines, and the right of choosing, paying and of regulating whatever might be connected with them.

Second—Every municipium retained the management of its own especial funds and revenues†. The soil was vested in the

* The diversity of these rights—the distinction between the Jus Civitatis, the Jus Latinorum, the Jus Italicum, is a matter of no little complexity. "The "conquerors," says *Warukönig, Hist. du Droit Romain*, "did not give the con- "quered the rights of Roman citizens, or allow them to participate in the "sovereignty. Those who took the part of the Romans received privileges "and prerogatives. They personally became citizens. The cities were usually "changed into *colonies*, and a part of the territory divided amongst the con- "querors. The ancient inhabitants remained *peregrini*—aliens."—The results are instructive. "L'inégalité des droits politiques fut la cause de cette guerre "générale dans toute l'Italie qui éclata en 663. C'était une véritable guerre "civile, dans laquelle les plus proches se combattaient entre eux, et qu'un "traité de paix proprement dit n'aurait pas pu finir lorsque les élémens na- "tionaux étaient aux prises entre eux." All joined, the war was bloody, "le "sénat ne ceda que deux ans après, lorsque le danger d'une entière destruction "menaçait la république."—The Lex Julia, *de civitate cum sociis communicanda*, giving an ample municipal organisation to all parties, alone terminated it.—*Id.* pp. 63—4.

† This and the preceding privilege were comprised under the general designation of autonomia, self government; the Municipia in judicial matters retained their ancient laws—the Coloniæ adopted the Roman. The autonomia and the right of choosing magistrates distinguished the Municipia from the Prefecturæ.—*Plin. Hist. Nat.* III., 21.—*Cod. Theod.* XIV., 13.—*Cod. Just.* XI., 20.

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municipal body and treated according to Roman law. *(Jure Quiritium.)* The erection and maintenance of public buildings, whether for use or pleasure, the management of public feasts and rejoicings, every expense of the kind was within their competence. They appointed magistrates or committees for their administration.

Third—The police, to a certain degree, continued also in the hands of the local magistracy. They were charged with watching over the tranquillity of the town, and could provisionally arrest all those who troubled it.

Fourth—A certain degree of jurisdiction was preserved,—such for instance, as extended to regulations for the public health, weights and measures, markets, &c., analogous to our present city police.

Fifth—Power of making bye-laws, so far as they did not contravene the laws of the state (senatus-consulta), for the internal regulation of the towns.

The whole of these affairs were managed by magistrates, either chosen directly by the inhabitants, or more commonly by the senate or council *(Curia)*. It comes nearly to the same thing; for at this period, in consequence of the prevalence of slavery, there were few free men who were not members of the curia. To entitle to a vote for the magistracy, a certain landed income was requisite. The members were called *Decurios*, a dubious term*, and afterwards *Curiales*.

This organisation, in its first stage, exhibits a just distribution. The political power, but as far only as political matters were concerned, was centralised at Rome;—no centralisation had as yet been attempted of the administration. Each city managed its own affairs like a simple individual. It chose and controlled its magistrates in public assembly without the intervention of any central authority. Finally, the qualification was so light that few free men could be excluded.

The annihilation of political rights at Rome seems rather to have increased than diminished those which were exercised in the municipia. The laws of Trajan and Adrian had contributed to augment their property—it was now adequate

* Some consider it as the title of a superintendent of every ten families (decem), like the *Tunginus* of the Germans, and our *tithing-men*. Others that it merely meant "member of the curia."—*De Curiâ.*

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for all municipal purposes, without any additional taxation. The dignity of Decurion or Councillor was enhanced by the provisions and favours of the last mentioned sovereign. These numerous decrees, and the particular attention paid by the jurisconsults of the time, evince a great accession of importance*. The central power had evidently declined:—in the same proportion, the local had acquired vigour. During this epoch, it was the only defence or guarantee for the rights of the people.

In the succeeding period of the Roman empire, the municipal system shared the fate of all other institutions. The emperors, no longer capable of meeting the increasing exigencies of the empire, seized the revenues of the municipia. A new central power was organised; a series of Fiscal Commissions, extending alike over the whole empire, and drawing from every quarter means for the prodigality of despotism. These extraordinary imposts first fell on the Decurions. Their situation had become the most honourable, but also the most onerous of all social conditions. Exemptions were soon claimed, and granted by the emperors. An immense privileged class arose. On the establishment of Christianity, these evils were enhanced. The central power itself aided. Large portions of the funds of the Municipium were conveyed to the Church, all members of the clerical body were exempted from its burdens†, much of the administrative power of its magistracy was transferred to the bishop. The *parish* superseded it. Attempts were still made to sustain the frame-work, but too late;—the effects only redoubled the energy of the very causes which produced them. The external forms of liberty indeed remained: as far as regarded the administration of their funds and the choice of their magistrates, the old franchises were preserved; but these forms were vain, there was neither wealth nor freedom to give them life.

* *Ulpian Frag. lib.* XXIV., *cap.* XXVIII.

† "Jampridem sanximus ut Catholicæ leges antistites et clerici—ad munera curialia minime devocentur."—(*Cod. Theod. lib.* XVI. *tit.* II., *l.* XI.) The ground given is of very general application, but does not seem to have been very generally applied. "Curialibus muneribus atque omni inquietudine civilium functionum, exsortes cunctos clericos esse oportet."—(*Cod. Theod. lib.* VI., *Tit.* II. *l.* IX.)

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In this state of moral and material decline they were found by the barbarians in the western empire. In the eastern, they prolonged for a while a sort of agonising existence: but the progress of centralisation became so rapid and embracing, and these outward shows of local independence, so despised, that at length, at the end of the ninth century, Leo the philosopher put an end to the absurdity, and by a single stroke of his pen extinguished them.—*(Novell. Leo, 46.)*

The Roman municipal system gave the first suggestion of provincial states or councils, as these in their turn of States General. During the empire it was not unusual to see, in many provinces, a provincial assembly. They were composed of deputies from the municipia, generally the magistrates, a few of the great landed proprietors and, on the introduction of Christianity, of the bishops. These assemblies exercised a sort of controlling power over the prefect, who directly represented the emperor. They assembled at stated periods of the year, and on other occasions when summoned by the emperor. If local regulations only were in question, they were authorised to pass ordinances for the purpose. But in important cases, and especially for redress, they were required to address themselves directly to the sovereign.

In both these modifications of the system we see the type of the State, Provincial and Communal bodies of our own day. The States of France, of Imperial Germany, of Austria, &c. at the present moment, appear to be almost literal copies. But our inquiries lead us to the other branch of the subject. It is a matter of great interest to watch their reappearance and operation, in the middle centuries, and to trace them down, under greater or less variety of fortune as there was more or less tendency towards centralisation, to the present day.

Muratori has left it beyond doubt* that large fragments of the municipal organisation were preserved in the midst of all the turbulence and anarchy which followed the invasion of the barbarians. On the first dawn of order, they were reduced into system. The central power was too weak to interfere. Guelph and Ghibelline too exactly balanced each other, to affect permanently the self-government of the cities of which alter-

* *Antiquitates Ital. Medii Ævi*, t. iii.

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nately they became the masters. The municipal organisation, localising and separating more and more, consolidated each particular town into a republic, and soon left the empire a mere name. By degrees these republics agglomerated into larger ones, and finally became principalities or monarchies. But the municipal principle was not, therefore, extinguished. It survived under the very shade of absolutism. There is not a town in Italy where it does not yet reign, in more or less vigour, giving as accurate an idea in many instances of the ancient municipium, as can be collected through the translation of modern habits and manners. The low Papal States and the Lombard Venetian kingdom may be supposed the least likely to admit such an element. In both, it combines largely with their well-known tendency to centralisation. "Each commune "in the Roman States has," says a recent authority*, "its "council consisting of ten or twelve members, elected, I "believe, in routine; that is, a certain number go out, and "the others elect new councillors; the names are subject to "the approbation of the government at Rome. That council "has complete superintendence over all local affairs. They "raise what is called the 'focatico,' or fire tax, and out of its "funds they keep the school-house of the district in repair, "or other buildings which may belong to the commune: they "pay the physician and the surgeon, who, of course, are "obliged to attend all the inhabitants without any remunera-"tion, and they pay masters. These are the great objects of "this fund, which is entirely assessed, and how it is to be "assessed is arranged amongst themselves. The members of "the clergy, who are established there, are members of that "council ex-officio, but without a vote. They are supposed "to be councillors, and as the more learned part of the com-"munity, able to give advice. I may say that the election of "masters, and everything else, resides in that body."

It will be perceived in this arrangement, that there is an admixture of the central power. The council elects, not the people, on vacancies; but then it is also observable, that as the admission is in routine, it generally passes on to every class of

* Rev. N. Wiseman, D.D.—*Evidence before Select Committee of Education (Ireland).*—1835, 1836.—5870, 5877, 5887.

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the people: "It goes down," says the witness, "to the "labouring man. There are members of the council who "till the earth with their own hands." In like manner the choice of magistrates is shared between both. The "gon- "faloniere," or head of the council, is elected for three years by the council itself. His jurisdiction is somewhat analogous to that of Mayor. "He is really the governor, as far as all "local matters go, in the administration of the funds, and "every thing of that sort." Nor does the central government appear much to interfere in his appointment. "His name is "sent up to the Pope, but it is rarely that his veto is ex- "ercised, unless there be actually some imputation against "the person's character. Without some particular reason, "the election would be always confirmed." But there is also a "governatore," or governor (a sort of stipendiary magis- trate), directly appointed by the government, but having nothing to do with the affairs of the council or the adminis- tration of the funds: "he is a sort of head of the police and "has a petty magisterial jurisdiction; he can decide on property "of very trifling amount, and so on. Besides this, a congre- "gation or board, composed of members of the Tribunal of "the Consultà, exercise a sort of general superintendence over "the rural districts, but not so as actively to interfere with "the functions just stated of the Communal Council."

The Lombard Venetian organisation is as liberal, but more complete. The French found the Lombard cities in 1521 not only in possession of municipal franchises, but under that title claiming exemptions and maintaining unjust applotments, by which a large number of the communes suffered. Appeal to the tribunals was in vain. This was in some degree remedied by Charles V. (1541), and still further by the senate at Milan, in 1580. The Giunta Nioro and the Giunta Neri completed the reform. In 1757 was published the celebrated "Compar- "timento territoriale," and its accompanying valuation or Cadastro. The Imperial French government was almost as hostile in Italy as in France to all extension of municipal rights. It considered them closely connected with political, a direct aggression on centralisation in all its forms.

In 1816 the Austrian government, by their Decree or Noti- ficazione of the 12th of February, divided the Lombard Venetian

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kingdom into one thousand one hundred and seventy communes. This was preparatory to the "Patente" of the following April, embracing a regularly graduated local organisation, grounded in its principle and in many of its details on the old system. The Giunta of 1757 had already established that in every commune there should be a *convocato*, consisting of all proprietors described in the tables of the new valuation, and in this assembly they vested the power of administering the commune. The Austrian "patente" gives every commune either a *convocato* or *consiglio*. Those containing less than three hundred *estimati*, or rated inhabitants, have a convocato; those above that number, a consiglio. To the convocato all, without distinction, are admitted, "qualunque sia loro cifra "catastrale." It is a meeting en masse of the people. The consiglio, on the other hand, is a representative body, consisting of a greater or less number of members, according to the importance of the place. In Milan and Venice it is composed of seventy members; in the royal cities or chief places of each province of forty; of thirty in the other communes. Two thirds at least must be landed proprietors, with a tolerably high qualification; the other third consist of such as possess in the commune considerable commercial or manufacturing establishments. The exclusions are regulated on the same principle as in the convocato. On the other hand, no one can refuse to serve under a penalty. They meet twice a year, and on other occasions when summoned by the Cancelliere of the district. The convocato and consiglio are both empowered to treat whatever concerns the affairs of the commune; the making and repairing of roads, buildings, &c. leasing by auction the property of the commune, charities, schools, &c. &c. appointment of officers, &c. All intervention in political affairs is prohibited. A copy of the proceedings, duly signed by the president and a certain number of the higher rate payers present, is transmitted to the provincial council.

During the interval which elapses between the sittings, a deputazione or committee is appointed to carry into execution the resolutions either of the convocato or consiglio. They are chosen proportionally from the landed proprietors and other highest rate-payers, by a very circuitous sort of ballot of ancient date, in Milan and Venice with the addition of the

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Podestà. The Podestà (the Potestas of Juvenal) of each commune is elected on a triple list presented by the Consiglio Communale to the Government. The members of the consiglio go out after two years' service, according to priority of nomination. The deputati remain in office one year and can be re-elected. The Podestà continues three.

Besides these two bodies, which answer in some degree to the Stadtgemeinde and the Landgemeinde of the Germans, there are others corresponding to departmental and provincial councils and provincial states. These are the *Congregazioni Provinciali.* In the Province of Lombardy there are nine. They are composed, 1*st.* One half of the "estimati nobili," the other of "estimati non nobili." 2*nd.* Of a deputy of every royal city situated in the province. The choice effectively belongs to the government, but with a certain intermixture of popular election. Every royal city proposes three names for its representatives; each commune a rate-payer, noble and not noble. This list is forwarded for approbation to the provincial council, and from thence to the central council *(congregazione centrale).* If neither make any objection, the first name stands; if otherwise, it is reported to the government, which decides.

A third description of local body is the Congregazione Centrale just mentioned. There are two; one for Milan, the other for Venice. They are composed of members taken in the two classes of rate-payers, "nobili" and "non nobili," and of the representatives from the royal cities situated in the provinces comprehended in their respective governments.

The functions of the provincial councils are somewhat analogous to those exercised by the communal. They comprehend,

First—The completion of all matters connected with general taxation.

Second—The examination of the revenues, wants and expenses of the cities and the communes.

Third—Timely attention to all matters and works connected with embankments, bridges, roads, &c., unless where directly under the administration of the State.

Fourth—The completion and superintendence of all institutions of public charity, &c., &c., hospitals, orphan houses, alms

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houses, schools, &c., &c., and the administration of all funds destined for their support.

The functions of the central council are of a more strictly executive character. It has no power of assessment, either general or local; it is confined to the apportionment of the government taxes, the best mode of raising them; to suggestions for national improvements, reports on their progress, completion, &c. The application and execution is left to the councils of the communes and the provinces.

Whatever may be the apprehensions and suspicions of the central power (and they are tolerably apparent in this organisation), there is no small share of local administration still preserved to the smallest aggregate of the community. Several of the communes, and even hamlets, are entitled to a convocato; all containing above three hundred rate-payers to a consiglio. This principle is conspicuous throughout Italy (some of the Roman communes do not contain more than eight hundred souls); but there is no organisation, as such, so well graduated as that of Lombardy.

The German States have shown a similar inclination to balance the central with the local authority, especially in all their recent municipal constitutions. They were naturally led to it by their material and political organisation. No country in the world possesses a greater number of towns of wealth and importance for its superficial extent, than Germany*. Few are split into a greater number of small states, imaging the local government in respect to the central, or federative. It would occupy too much time to enter upon an inquiry into the original organisation of these little communities, to which the early state of the German empire was in every way so favourable. At the period of its dissolution, their position was this. Wherever the government, (or, what was worse, some intermediate prince,) allowed these towns to retain their municipal freedom, or rather its shadow, the common council fell into the hands of a self-elected and close corporation. In some towns, such as Dresden

* The German Confederacy contains in its 11,800 square miles, 2,395 towns, a greater number, perhaps, than any other kingdom in Europe. France has, in the space of 10,096 square miles, only 1,600 towns. Great Britain, 980, in that of 5,554, &c.—*Reichard Ansichten und Untersuchungen, &c., &c., der Städtischen Verfassungen in Deutschland. Leipsig*, 1830, *s.* 19.

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and Leipsig, these corporations were exempted from all obligation of accounting for the funds of the municipality. The magistracy had obtained a complete victory over the trades or guilds; but as these still claimed a right of intervention, it was compromised by admitting a small number of the bourgeoisie, with high salaries, into the municipal body for life. Trade was soon excited against trade and the council continued, in this general conflict, masters. But a revolution was about soon to take place in these bodies, and Prussia, wisely judging the signs of the times, took an early and conspicuous part in their reform. The guilds or trades were suppressed, not from political but commercial motives. The corporations were restored to independence, but not constituted, as formerly, states within the State. They were left to the management of their own internal economy; it was no longer allowed to depend upon irresponsible and almost hereditary corporators, nor yet transferred to the Government; it was not annihilated, but rebuilt; the old powers were confided to a new elective council, chosen by the bourgeoisie of the town. The police and judicial authority was resumed by the crown. These dispositions were carried into effect by the *Städteordnung* of 19th Nov., 1808.

The towns were divided into three classes, large, middle and small, below 3,500 inhabitants. The population of each determined the number of the members of their respective councils (*Rathspersonen*); a certain number were salaried and required in return to devote themselves especially to their municipal duties. Some were chosen for six years, some for twelve, none however for life. The salaried councillors on serving twelve years, if not re-chosen, were pensioned. The commissioners or electors* were chosen by all burghers who

* The two terms *Rath*, Council, *Gemeinderath*, Communal Council, and *Stadtverordneten*, Town Commissioners, do not convey quite the same meaning in English, as in German. The *Rath* in general is rather the body or college of magistrates, than a deliberative body like our council; it occasionally exercises the functions of both. It may be likened to our Board of Aldermen; the *Stadtverordneten* answer better our notions of a common council; but they are also analogous to the electoral colleges of France. In some of the codes (the Bavarian, for instance) *Vertreter*, Manager, and *Bevollmächtigten*, Plenipotentiaries, are the terms used. They all imply election. When in body, they are also called *Ausschuss*.

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had a clear income of 150 thalers at the least*. The minimum number was twenty-four, the maximum one hundred and two; two-thirds were required to be resident householders. They voted, with the exception of the smaller towns, by wards. All burghers who were electors were also eligible. The commissioners remained in the enjoyment of these functions for three years; one-third going out annually. The functions of the council and commissioners were considerable; the council in some degree constituted the executive; in matters of assessment, they were required to obtain the consent of the commissioners; in matters of inspection and expenditure, they were assisted by a committee or deputation chosen from the magistracy, the commissioners and the burghers. The deputation managed all matters relating to the church and education, charities, public works, municipal improvements, lighting, paving and all matters appertaining to the safety and peace of the town. According to circumstances, the police shared. They were permitted also to frame bye-laws not contravening the laws of the State; but in some cases the sanction of the police, and in larger places that of the provincial authorities, was required.

There were many defects in the law of 1807. It was too uniform, not sufficiently adapted to persons or localities. Above all, it was found to be somewhat too liberal. The revised municipal constitution of 17th March, 1831, proposed to correct these errors. The police in the old law, was placed under the control of the magistracy generally; in the new, it was confided to the burgomaster alone, to be exercised, however, in the name of the State. (*St. Ord.* 1831, § 34, *compare* 105, 109, & 112.) The magistracy were elected for twelve years, sometimes for life, provided the Government agreed with both of the municipal bodies. All members were salaried. They were given also additional control over the decisions of the commissioners. The deputation was confirmed in its superintending powers; but placed in subordination to the magistracy (§ 107). The number of commissioners was diminished (not to be under thirty, or above sixty); the qualification of citizenship (*Bürgherscaft*) raised; and still more considerably that of

* About 22*l.*

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eligibility. Half of the members of the council were required to be proprietors. It was left to the choice of towns whether they would divide themselves into wards, or accompany or replace these by other classifications, such as employments (§ 52 *et seq.*) Considerable alterations in municipal property, divisions of the communes, such taxation of the inhabitants or application of funds as was formerly separately directed by the treasury, remained subject to government authority. If the municipal bodies could not agree amongst themselves, in respect to interior arrangements, and the magistrate deemed there was danger, the government came in aid of his authority. It was empowered to send down a commission to assemble the magistracy and the commissioners, and to add to their number other respectable inhabitants; and if not yet unanimous, to transmit the decision of the majority and minority, for the decision of government (§ 114, 115). In fine, the higher burgomaster or burgomasters had the power to suspend resolutions of the magistracy, which he deemed contrary to law or the public advantage (§ 106). These alterations, though in some details improvements, are much less popular than the former. In some of the provinces they have been ill received, and in the Rhenish for a time refused*.

The example of Prussia was followed by many other states in Germany. Bavaria indeed, a few weeks before the appearance of the Prussian constitution, had transferred the management of the communal property in all towns of above five thousand inhabitants from the corporations to officers appointed under the ministry of the interior. (*Edikt über das Gemeindewesen, 24th Sept.* 1808.) Her *Gemeindeordnung* of 17th May,

* The object proposed in her municipal reform by Prussia, are thus stated in the Städteordnung of 1808. They are worth the consideration of our Tories. "The want, which has become in latter times so especially conspicuous, of regulations adapted to the communal government and management of towns, and "the urgent need of admitting the burghers to an active share in the administration of the affairs of their own commune, convince us of the necessity of "giving to towns a more self-governing and better constitution, of forming in "each community a closer point of union, of imparting to them a more "direct and diligent share in the managing of their own affairs, and through this "participation, of exciting and maintaining a stronger communal feeling in "each." In the preamble of the Revidirte Städteordnung of 1831, it is declared by the law-giver, "That this object, to our especial satisfaction, *has been* "*attained*, and our benevolent confidence in the sentiments of the burghers "has not been betrayed."

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was a wiser and worthier measure. It has since been followed by the Revised edict *(Königl. Baierisch. Edikt,)* of the 20th April, 1835. Würtemberg, in 1822, more decidedly, but not in the spirit of a blind imitation, followed the same example. The commissioners in Bavaria are chosen much in the same way as in Prussia. The magistracy is considered a government authority, and the appointment rests with the crown; in the first code of Prussia it lay with the council. Würtemberg gives it to the whole bourgeoisie. Both agree, but Bavaria more decidedly, in conferring the office for life: in Würtemberg there is a previous probation (two to three years' office and re-election) necessary to entitle to this privilege. Eligibility, too, is higher rated in Bavaria (§ 76), and on the whole there is a narrower spirit prevalent, than in the regulation of the neighbouring kingdom.

Baden reformed her municipal code much on the same principles, in 1822. The law however of that year was followed by a much better-considered piece of legislation, in December 1831. The *gemeinderath*, under this constitution, is chosen by an assembly of the commune, *gemeindeversammlung*, for six years; the town council *(Bürgerausschuss)* for four years. The government confirms the choice of the magistracy; but should the confirmation be twice refused, the third time the commune appoints absolutely (§ 11).

Saxony has adopted the system of Bavaria in interposing an electoral college for the choice of the commissioners *(gemeindebevollmächtigten.)* *(Städteordnung, 2nd Feb.,* 1832.) The electoral college *(Wahlcollegium)* must comprise at least one-twentieth of the whole number of burghers. In Dresden and Leipsig the commissioners choose of themselves the *Stadtrath;* but in the other towns they act in conjunction with the *Bürgerausschuss*, which is required to be at least twice as large as the body of commissioners. This body exercises its functions together with the magistracy; has a vote in the administration and alteration of the town property, &c. The confirmation of the government is not required, when there is no deficit in the yearly income, or in fundamental cases of administration, or when the town council and assembled members of this greater *Bürgerausschuss* are agreed (§ 33). It is also worthy of notice, that the commissioners are permitted (§ 170) the free impression of their

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proceedings, and the publicity of their sittings; and accordingly, in Leipsig and Dresden especially, they are held open to all the world. The choice of the burgomaster is in the council. He is salaried, as well as a certain number of the councillors. Their places are for life.

The new *Gemeindeordnung* of the electorate of Hesse (*23rd Dec.*, 1834) so far coincides with that of Saxony, that the communal council* have not the right singly to choose the Stadtrath, but share it with a double number of extraordinary members. The extraordinary members also furnish completing or supplementary members to the ordinary: half of the communal council are required to be selected from the highest rated. The votes are taken by wards or occupations; in the larger towns, usually by wards, unless where local statutes have determined other special qualifications for election. Both the rath and ausschuss, as well as burgemeister, are chosen for five years; but the latter may be named for life, with the consent of the sovereign.

Hanover possesses no general communal or municipal code, but since 1819, there have appeared a series of constitutions and regulations for the local government of individual towns of the kingdom. There are two bodies, the college of the magistrates (*Magistratscollegium*), and the directors of the citizens (*Bürgervorsteher*). The magistratscollegium has the functions of justice and police (the government director is a member), and exercises also control, in some particulars, over the municipal administration. It chooses deputies to the Estates of the kingdom, officers of education, preachers, &c., and investigates expenditure connected with the improvement of roads, public works, &c. These duties are allocated to two several committees of the body. The bürgervorsteher are thus constituted; the town is divided into districts; these again into wards: for, though in many towns the guilds or trades are in full vigour, yet it has been thought judicious not to ground on this classification, any species of municipal representation. Each district has a *bürgervorsteher* selected from the citizens, who is not required to reside in the district, and

* *Gemeindeausschuss*—defined—*Versammlung der Stadtverordneten*, Assembly of the town commissioners, Communal council.

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each ward a warden *(Bezirkvorsteher)*, who must reside therein. All burghers of the district or ward, qualified by a certain amount of property, have a vote in the election of their bürgervorsteher and warden, in their districts and wards respectively. The wardens are chosen for three years; they are required to support the magistracy in the exercise of their office, the police and the town commissioners in the discharge of their duty. The bürgervorsteher (of whom there are sixteen in the city of Hanover, and twelve in Göttingen) are elected for four years. They are the administrators of the affairs of the citizens on all occasions where the public interests are concerned, and are especially charged with consenting to and applotting the assessments necessary for the maintenance and improvement of the town. When the imposts of the magistracy *(Senats)* are opposed by the majority of the bürgervorsteher, or the magistrates dissent in a similar way from the assessments of the former, the matter must be decided by the higher powers. When however they agree, no interference is exercised by the government, further than requiring at the end of each year a report of the expenditure during the last, and estimate or budget *(Haushaltungsplan)* for the ensuing. It appears also from the fundamental law of the state (§ 52–3), that such towns as have hitherto been under the jurisdiction of government authorities, are henceforth to have their own municipal administration of justice.

The other municipal constitutions of Germany, such as Brunswick*, Nassau†, Baden‡, &c. &c., differ only in various unimportant details from those just noticed. The principle throughout is the same; that local bodies ought to have the management of their own affairs, modified of course more or less by the admixture or check of the central principle, in accordance with the political organisation or tendency of the respective government in which they are placed.

The municipal system in France has suffered various revolutions. Inheriting directly, like that of most of the Latin

* *Herzoglich Braunschweigische Städteordnung vom 4 Juni*, 1834.

† *Herzoglich Nassauisches Gemeindeverwaltungsedikt vom J.* 1816.

‡ *Die Grossherzoglich Badische Gemeindeordnung vom J.* 1831.

To which may be added, the code of the grand Duchy of Hesse, in 1832; of Hohenzollern, 19th Oct., 1833; of Schwarzburg, in 1827; and many others.

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nations, from the municipal system of Rome, it passed through the same vicissitudes. The gradual spoliation, degradation and final extinction of the municipia of Italy was felt in Gaul. France was left without a municipal body. It was not until the invaders had settled down in their new territories, that they began to reappear. Violence under various forms—the tyranny of conquest and then of feudalism, drove the intelligence of the country into cloisters or towns. It was in these latter that it again began to form a community. But they still felt themselves without support. They applied to the crown, then weak. Its protection, at first useful, soon became fatal. In proportion as the monarchy consolidated, the municipalities lost power. After an ineffectual struggle of three centuries, they fell. They were enabled to sustain themselves before feudalism; but before a purely administrative monarchy, a constantly encroaching centralisation, they were utterly inefficient. One after the other, the towns obscurely and ignobly surrendered their liberties.

At the period of the French Revolution, municipal organisation in France was a mere shadow. The middle class, its sustaining strength, perished with it. The external forms of the trades, analogous to what existed in other countries, endured; but whilst with Prussia the new reformers swept this system away, they refused to substitute another in its place. It was sacrificed without compensation to the reigning passion for uniformity and centralisation. The law of the 18th of December, 1789, took away the existing constitutions of the towns, and established in their place a crude system of municipalities, chosen by the communes. The suppression of the trades, long admitted in principle, was carried into execution on the 17th of March, 1791. The republic through all its phases was hostile to them. A centralising tyranny, whatever be its name, acts consistently—there is no difference between the Absolutist State Council and the Republican Comité de Salût Publique. The Terrorists denounced the corporations as the hiding places of royalism; the Directory, as those of terrorism. They were generally, indeed, the refuge of the proscribed.

The empire, as we have already observed, followed up the blow. The imperial constitution, under a very faint show of localisation, was rigidly and despotically central. Its administra-

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tion was one long line of officials, touching the throne on one side, and the beggar on the other. A prefect immediately subordinate to the minister of the interior; a sub-prefect, burthened with the double responsibility to the prefect and to the minister, superintended the communes. A mayor also was attached to each, chosen for five years. None of these officers emanated from the people: they came directly from the crown. All the members of the council were nominated in the same way. They were assembled only twice a year, and each time only for fourteen days. The results were obvious. Not public works, hospitals, schools, &c. but the conscription, and since the Restoration, the return of ministerial deputies, were naturally the great object of their solicitude. Where inattention to these paramount interests was noticed, the official was sure to receive his congé by the next telegraph.

The Restoration for a moment gave hopes that some efforts would be made to construct a new system, which should unite constitutional liberty and administrative activity; but the Restoration had too much to do to maintain its own ephemeral existence, by every petty intrigue familiar to a feeble and cunning party, to embrace any large project of amelioration which could only affect the public and posterity. The Martignac administration made some well intentioned, but fruitless and to its own existence fatal, efforts: the municipal law was the rock on which it shipwrecked. In March 1831, a new organisation was proposed. It is doubtless an improvement, as it might easily be, upon the past. The communal councils in those towns to which it extends are no longer chosen by the government, but by the people. The electors are the highest rate payers of the commune, according to a fixed qualification, together with the more respectable inhabitants, qualified by profession, employment, office, &c. &c. such as the members of the law, justices of the peace, rectors of the higher schools, administrators of hospitals, &c. The king directly, or the prefect nominates the mayor. The code is to be carried out in three laws: 1. "Loi d'Organisation;" 2. "Loi des Attributions;" 3. "Loi des Indemnités." The first passed in 1834: the second is still under discussion. The modifications thrown in by the present ministry may seem to be required by peculiar momentary or local circumstances, but they are still much too

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tinged with the central spirit to merit the unqualified praise of a true friend to free local organisation.

There is no country, with the exception perhaps of Switzerland, which bears such strong evidence of the universality and utility of liberal local government, as Holland and Belgium. From their first establishment in the thirteenth century, down to the period of the organisation of the kingdom of the Netherlands, communal and provincial councils were the great palladia of the national liberties. Under various modifications, sometimes with a greater blending of the central principle sometimes with a less, the executive in one instance encroaching the people on the other, they were in all cases intimately interwoven with the entire frame of political and social existence. They reposed directly on the right of self-assessment, official responsibility, popular eligibility and publicity —public control*. They secured a degree of moral and material good which was not to be found in any of the neighbouring absolutist governments of the times. Hence the French Revolution, which met so many allies in these seemingly tranquil despotisms, was repudiated by the few local governments of the Netherlands. All that France proffered, they already possessed. The answers of their burgomasters to the victorious general of the republic, are full of instruction to those who in municipal institutions see only encouragements to popular turbulence and discontent†.

* Their position so late as 1784, under the absolute Austrian government, may give some idea of what they were when quite independent. "Dans les villes, dans les châtellenies et dans les moindres villages des Pays Bas" (the Gorys and Clonakeltys of that country) "on annonce tous les ans, soit par convocation, ou par publication aux prônes dans les parroisses, soit par des affiches, le jour et l'heure où les comptes se rendent. Ils se lisent à haute voix à portes ouvertes, se coulent et s'apostillent en présence des magistrats, gens de loi, des représentaires de la bourgeoisie dans les villes, des principaux adhéritès, domiciliés et notables dans les villages, &c."—*Rapport de la Jointe des Administrations et des Affaires des Subsidés, addressé aux gouverneurs généraux, le 7 Decembre*, 1784. See Gachard also, *Précis du Regime Municipal de la Belgique avant* 1794, for numerous instances of free local administration, still more striking.

† See the *Procès Verbal* of the Assembly of the People at Louvain, 23rd of November and 27th of November, 1792, in answer to the proposition of the French general, Brunot. He communicated through the citoyen Dury, avocat, nominé président provisoire de la Société de la Révolution. He wished to found a revolutionary club. The magistracy, representatives of the commune, councillors and people, in public meeting assembled, declared they would adhere to the old constitution of the town and province, which they considered free enough.

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The report presented to the king of the Netherlands a little while after his accession, ascribes to their operation the largest share of the prosperity then enjoyed by the country. The Revolution of 1830, fully recognising the same fact but considering its organisation as too aristocratic, immediately applied attention to its re-organisation on more strictly popular principles. It did not, however, proceed blindy to the task. Minute and searching inquiry was made into all the ancient municipal constitutions of the country, and from a fair comparison of their respective merits, both in reference to principle and application, the law now in force was framed*. It is therefore to be considered, not as an innovation, though large and liberal enough to gratify the most ardent reformer, but in every article little more than a literal restoration of ancient rights.

The first law published by the present government March 30, 1834, required several modifications. A re-modelling of the whole was suggested, and at length the present *Loi Provinciale* and *Loi Communale* were adopted, the first, April 30; the last, May 3, of the past year.

The first of these enactments embraces the whole re-organisation of the provincial councils, a most important branch, but which we reserve for another inquiry: the second the communal. They honestly carry out into execution the pledges of the constitution.

The division of the Loi Communale resembles that of France; it treats first of the constitution, next of the functions of these bodies; finally of the regulation and machinery for compensation, when public objects require sacrifices from the individual.

Each commune has its council elected by an assembly of the inhabitants, qualified by amount of direct taxation according to a fixed scale. The number of councillors is regulated by the population. The King nominates the burgomaster and échevin; but from the communal council. Certain classes of officials, and others such as bankrupts, convicts, insolvents, are excluded.—(*Titre Premier*, c. V.)

The electors meet every three years, and may be summoned

* See Gachard, *Observations préliminaires.* He is Archiviste du Royaume—also M. Ch. Faider,—*Coup-d'œil sur les institutions provinciales et communales en Belgique*, 1834.

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extraordinarily to supply places. They have one polling place if not exceeding four hundred; if more, they vote in sections or wards.—(c. VI.)

The councillors are chosen for the term of six years and are re-eligible. The councils are renewed by one-half, every three years. All qualified to be electors are, in like manner, qualified to be councillors. No one can be member of two communal councils at the same time. Near relatives, either by consanguinity or affinity, military men, employés of the commune, several descriptions of judges, financial officers, teachers receiving public salaries, receivers of charities and ministers of religion are excluded.—(c. V.)

The burgomaster and échevin are named for six years; but resign, if in the interval they cease to be of the council.

The council is convoked by the burgomaster and échevin, when required by their functions, or on a requisition of two-thirds of the council, and by notice given two days previously.

The council cannot deliberate unless two-thirds of the members are present. They are strictly confined to the subject of the requisition.—(c. VII.)

Every guarantee is given for publicity. It is especially obligatory in certain cases, as the budget, with the exception of salaries, allocations of funds from the revenue of the commune, sales, leases, mortgages, holdings, &c. On public questions, the doors may be closed on the vote of two-thirds of the number present; in personal matters, by the order of the president.—(c. VII.)

The functions and powers of the council are considerable.

First—Financial; comprising leases, tolls, sales and purchases.

Second—Roads, streets; "L'ouverture des rues nouvelles et l'élargissement des anciennes, ainsi que leur suppression."

Third—Public buildings, monuments, &c., &c.

Fourth—Superintendence of the administration of charities.

For such purposes they assess if necessary. They applot also the direct tax allocated to the commune.—(Tit. II., c. I.)

The council names the employés and agents of all ranks paid out of the municipal funds, and the members of the administration of hospitals, &c., from a double list presented by the committee.

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The council makes bye-laws, such not being contrary to the laws of the realm.—(c. I.)

If the council assumes a power beyond its legal right, the governor of the province suspends; and the king annuls the provision.—(c. I.)

The burgomaster and échevins are charged with various judicial and administrative functions, such as executing the resolutions of the council, superintending the police, watching over the public works, charities, officers, &c. They are required to verify their accounts once a month, and submit them to the councils. In their hands are deposited the archives.—(c. II.)

We regret much that our limits do not permit us at present to go at equal length into the second branch of the subject. We consider it, if possible, of still greater consequence than that portion which we have had under discussion. Grounding, as we do, almost all our legislation in precedent, we are no less struck, in referring to former times, with the necessity of a reform in our county local administration, than in our municipal. This is quite natural; our towns were seats of independence as well as industry, long before our agricultural population felt the desire to shake off that villainage in which their intellects and labour were held by their feudal superiors. But the times have changed, and with them the minds and manners of men. An Englishman, whether he lives within or without the turnpike of a borough, is still an Englishman, and claims by that name alone, all the rights and privileges of self-taxation and self-government. It is an utter absurdity and a palpable wrong to establish two measures or two constitutions totally contradictory within the space of a few miles—one an oligarchy, another a democracy—to guard with extreme caution, in the minuter details, the interests of one class of citizens, and to leave at the mercy of an irresponsible unelected body, such as the magistracy in England and the grand jury in Ireland, those of another. The value of municipal reform is poor indeed if it is to exclude any men from its circle. It should be co-extensive wherever they are to be found, with British subjects.

The abuses of the old corporation system are scarcely less flagrant and are far less injurious than those still existing in our

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counties. But they had not the gilding of high name, nor the support of large aristocratic connection. They affected comparatively smaller masses, and had less chance of meeting with implicit acquiescence. The eye of an industrious, active, commercial community is of itself a check almost equivalent to positive legal control; but this is not within the range of an agricultural population, comparatively isolated, or only acting together at stated periods, and at long intervals, and habitually under the same heads.

We trust we shall have an opportunity of entering fully into this matter, and comparing the existing want of all self-government in the local concerns of the agricultural classes of this country, with the wise and liberal measure which they enjoy in almost every other where a municipal system has been established, as part and parcel of one and the same local code. We are not ignorant of the fierce opposition which such "an innovation" as this will meet with, from those directly concerned in perpetuating the old abuses; but precisely the same clamours we have heard from the old enjoyers or supporters of corporate monopoly. The late debate on Mr. Hume's Bill in the Commons fully attests that the old Tory exclusive spirit is still the same, under every variety of modification, and that it feels not less sensitively when touched in a justice of peace, than in a town clerk. No surprise could be felt at hearing the people refused the management of their own funds, when such had been not the exception, but the rule of Tory political creed and conduct, for more than a century. The people, however, need not for that despair. The period is gradually approaching when, on this point, both the central and local powers will unite to wrest their functions from the hands of their present usurpers.

We intended to have ended as we had begun, with Ireland. We find it now impossible. We shall merely content ourselves with asking a simple, but a comprehensive question. Republics have their municipal government. Constitutional monarchies have theirs; even Despotisms are not without them.—Is Ireland to be held the *only* country in Europe incapable of exercising, and unworthy of enjoying such rights?

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Article VI.

Report from the Select Committee on the Consular Establishment: ordered by the House of Commons to be printed, 10th August 1835.

When the Committee was sitting from which this report has emanated, the question of accrediting a British consul to the free town of Cracow was already discussed. Mr. Bidwell, the consular clerk in the Foreign Office, admitted "that "it might be of advantage, but that it depended upon the "Secretary of State" (Evidence, 1315): and the general feeling of the members on the committee was, as we have good reason to believe, strongly in favour of the appointment. In September 1835, this Journal first brought the matter before the public, and the arguments which we then used excited some attention in this country, and elicited much discussion on the Continent. A report spread that a consul would be appointed by the English government; but the protecting Powers, whose baneful influence over the free, neutral and independent state we had pointed out, took a decisive measure, which changed the position of the question, by occupying the city. We then demanded that an extraordinary agent should be dispatched to inquire into the circumstances attending this flagrant breach of treaties: the subject was warmly taken up in the House of Commons, and the able statements of Sir Stratford Canning were terminated, to the great satisfaction of all sides of the House, by a formal declaration of Lord Palmerston that the evil was great, the violation of treaties manifest, and that a British consular agent would certainly be sent to Cracow. On the faith of this ministerial promise, expressed in the most emphatic manner, we were content to wait; the parties most interested in the protection which they hoped to receive from the presence of an English consul, still cherished a confident expectation that the measure so boldly announced would ultimately be carried into execution. When on a sudden, without any serious change in the position of affairs, the noble Secretary for Foreign Affairs informs Lord Dudley Stuart and the House of Commons, that he has changed his mind and that no appointment has been or will be made.

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It is scarcely credible that a minister can be guilty of such mischievous vacillation, without forfeiting every claim to the esteem of honest men and the co-operation of any political party. Who was it whose purpose of sending a consul to Cracow, though as yet indistinctly avowed, hastened the unjustifiable encroachments of the three Powers? Who ventured in the House of Commons to declaim on wrongs and injustice which he has never attempted to redress—on rights and duties which he has never dared to assert or to perform? Was this, (to use the very words of the noble Secretary in the speech of the 18th March 1836, to which we refer) was this "an involuntary homage to the justice and plain dealing of "this country?" If, at any future time, Lord Palmerston gives an assurance in his official capacity, either to the senate of England or to the exchange of London, no members of the legislative body are so blind as not to see that he is deluding their hopes—no merchants are so careless as not to suspect that he may be betraying their interests. Or should he ever remonstrate, with more sincerity than on the present occasion, against a violation of promises by foreign powers, those governments may remind the noble viscount that however lax they are in their engagements to their opponents, he outdoes them far in the art of breaking faith with his friends. Time was, when the word of an English minister passed for a deed; and whilst no foreign power could restrain us from the fulfilment of a pledge, no pledge was considered of light importance which a Secretary of State had publicly given in Parliament. That time is, it would seem, no more; but even if the subject now before us were totally devoid of interest and importance in itself, we would still uphold Lord Palmerston's desertion of this measure as a pernicious precedent of ministerial tergiversation, calculated to lower the Foreign minister in the eyes of England, and, what is far worse, to lower England in the eyes of the world.

Before we proceed to comment upon the motives which have been assigned for this discrepancy between the promises and the acts of Lord Palmerston's policy, we propose to take a rapid survey of the condition of Cracow in the course of the last twelve months; although the feeling of sorrow with which we record these arbitrary breaches of right and law, these

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blots and stains of wrong, is deepened by the recollection that a minister of England has only responded to the cry of an oppressed population, in whose fate the interests and sympathies of our countrymen were largely concerned, by powerless denunciations and by impotent projects. If our readers are of the same opinion which Lord Palmerston professed to entertain last year, "that it is as of much importance "to us to see that the independence of a state like Cracow "be not causelessly and wantonly disturbed, as if the case were "that of Prussia or any other powerful nation"—they may read a curious and not uninstructive lesson in the history of the events which have taken place in that venerable city. Our statement is compiled from the official documents and correspondence between the Conference and the Senate, a large portion of which we have in our hands.

No doubt can be now entertained that the occupation of Cracow by the troops of Austria, Russia and Prussia had been gradually prepared for a length of time before hand. Within six months from the termination of the Polish campaign, a convention was concluded between the three courts, on the demand of the Russian Resident, by which it was agreed that the territory of the republic might be occupied by equal detachments of the troops of the three Powers, on the joint demand of two of the Residents. In 1833 the Commissions were sent down, which imposed a new Constitution and a new Statute of the University on the Cracovians. Since that time the citizens have had no appeal from the three Powers, which, in the words of the last article of the constitution, "étant "garantes du présent Acte constitutionnel, se reservent le "droit de veiller à sa stricte observation." Unfortunately no fourth party claimed a right of enforcing its strict observance by the three powers themselves; and as it had been imposed upon the republic without our knowledge, it was broken without fear of our remonstrance. Nor was it easy for the citizens of Cracow to make a direct appeal to the protection of the other states which had joined in guaranteeing their former Constitution as it stood in the treaty of Vienna: such a proceeding would have been construed into a violent aggression on the rights of the Russian, Prussian and Austrian residents; and it is self-evident that a weak member of the

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family of European states requires support most, when it is least able to call loudly for it.

No due official warning seems to have preceded the occupation; but for some months previously, such startling assertions had been spread by the German newspapers and the Russian and Austrian police—Cracow was painted in such frightful colours, and such alarming disturbances were represented to have actually taken place, that even the inhabitants of the adjacent Polish provinces were panic-struck. It was asserted that the Senate had been hung, and General Chlopicki (who resides in the city) assassinated. A part of these tales found their way into the Algemeine Zeitung, and when it was proposed by the Senate of Cracow to publish a contradiction of these notorious calumnies in the city gazette, the article which had been prepared for that purpose under the direction of the President of the Republic, *was cancelled by the Censorship*, at the instigation of the Residents! Of the utter falsehood of all these reports the most complete evidence is furnished by the unanimous declarations of the inhabitants; by the absence of all proof of the contrary, notwithstanding the domiciliary visits and the odious inquisitorial measures of the residents; by the energetic note addressed to Prince Metternich by M. Wieloglowski*, 25th Feb. 1836, to which we shall shortly refer; and by the frivolous nature of the only facts which ever were brought to light, namely, that a Jew of bad character was murdered near Cracow by a personal enemy not belonging to the city, that a stone was thrown at an illuminated window, and a cracker let off in a citizen's ball. Such are the topics which have been dignified by diplomatic correspondence, and magnified into an importance which might belong to the rockets and shells of an insurgent population! Yet such is the mysterious justice of despotic policy, and the stern necessity to which Lord Palmerston has been obliged to bow, that the freak of a schoolboy has robbed a thousand exiles of their country, and an independent European State has been effaced from the map by the explosion of a petard. But even this extraordinary event of the cracker had failed to rouse the inhabitants of

* A translation of this valuable document has appeared in the *Foreign Quarterly Review*, No. XXXVI., p. 428.

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Cracow to a sense of their dreadful situation; and whilst the foreign powers were exerting all their solicitude to extinguish the volcano which threatened to convulse the centre of Europe, the Cracovians were only disturbed from their accustomed security by the troops so officiously sent to restore it.

On the 6th of February 1836, a body of Austrian and Russian troops formed an hermetic blockade of the territory, by a cordon similar to that used against the plague. After three days, during which the domestic supplies of the inhabitants were cut off and even milk and eggs were strictly excluded from the offending city, the Residents in Conference notified to the Senate, that "the three allied courts regarding "the disastrous events (*videlicet* the petard) which marked "the first days of the present year in the city, as a fresh "proof of the existence of a deep-seated evil, no less threatening to the repose and tranquillity of the State, than to the "security of the adjacent provinces, deem it their duty to "undertake an immediate epuration of the city and territory "of Cracow, by the removal of the Polish refugees and "other dangerous individuals, as a measure indispensable to "destroy the plots which have been laid against the security "and repose of the city and state of Cracow, as well as of "the neighbouring provinces; that consequently on the ground "of the ninth article of the Act of the Congress of Vienna, "corresponding to articles VI. of the Additional Treaty and of "the new constitution, they summon the Government of the "Republic to remove all the Polish refugees residing there "from the territory within a week, by the bridge of Podgorze; "where those who can prove that a Government consents to "admit them, shall obtain such means of reaching their destination as they may require, and the others shall be sent to "America." The same note adds that "such subjects of "other powers, residing at Cracow, as may be designated as "dangerous individuals by the protecting courts, are in like "manner to be expelled from the territory within a week, for "which purpose the necessary passports will be furnished "them by the Resident of the Power through whose territory "they are to pass."

By a second note of the same date, the Conference declared to the Senate, that this measure was to be applied "to all the

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" individuals *not natives*, (*non-originaires*) of the Republic, " who had taken any part whatsoever in the last Polish revo- " lution, and who should be found in the city or territory of " Cracow without being able to justify their residence by a " regular passport, or a special permission delivered for that " purpose by the competent authority of one of the protect- " ing powers. Military or civil service, without distinction of " rank, as well as the civic rights to which any one of these " individuals may have been admitted by the Government of " the Republic, will by no means exempt him from the gene- " ral measure in question."

It is impossible to allege, with any show of good faith, that the article of the constitution upon which this claim of the Residents was founded, affords sufficient grounds for the expulsion of the Polish refugees. The persons there designated are " deserteurs et gens poursuivis par la loi :" but the refugees in question were neither one nor the other ; they were, strictly speaking, insurgents, who having failed in their cause had undergone a proscription. Proscription carries with it a prohibition to return to a country without having previously obtained an amnesty; but it is not the same thing as the punishment of transportation for crime. By what right then has Austria inflicted this very punishment, without a judicial sentence, on persons who never did her any harm, and who were living tranquilly with their families in a country, protected indeed by her, but not yet subject to her authority? The greater part of the persons who quitted Cracow, before or after the military occupation, had taken up their abode there on the faith of that very article of the constitution which promised protection to all strangers, with the exception of deserters and outlaws. Now, however, all strangers were to be classed under these heads, and those whose long residence in the free State had broken off all legal ties with their native countries, were made liable to be expelled like felons. The new constitution, which was promulgated two years after the Polish revolution, contains no prohibition to receive the refugees, though nothing would have been easier than to provide against their residence in Cracow, had such then been the intention of the allied courts. President Wielogłowski expressly declares: " The " residence and protection of the Polish emigrants in Cracow,

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" can never be imputed to the Senate; since during the re-or-
" ganisation of the State, the government requested the Com-
" mission charged with the re-organisation, by the note of the
" 26th September, 1833, to be pleased to decide upon the
" future fate of the refugees, and either to allow them to
" return to their homes, or to furnish them with passports for
" other countries. *But these representations made at that*
" *time, and frequently reiterated and addressed to the Con-*
" *ference at a later period, were always left* UNANSWERED,
" the illustrious courts having reserved to themselves the right
" of making a final decision respecting them."—(Note of M. Wieloglowski to Prince Metternich.)

The expression *non-originaires*, employed in the note of the Conference which we have before quoted, is so vague that it could not but give rise to vexatious researches and to arbitrary interpretation, in consequence of the variety of political changes to which this small portion of the ancient kingdom of Poland has been subjected within the last fifty years.

At any rate the Residents were wrong, if by their exaggerated reports (uncontrolled, as they most unhappily were, by the impartial observation of an English agent) they led their respective courts into error with regard to the dangers which were said to threaten the adjacent provinces. In the first place, because nothing of the kind was going on in Cracow; and in the second place, because if such had actually been the case, nothing could have been more simple than to have pointed out the guilty parties to the Senate, in accordance with Art. II. § 1 of the New Constitution, in order to have them tried and punished by the laws of the republic, instead of resorting to measures alike at variance with the faith of treaties and the claims of humanity.

Notwithstanding these considerations the senators acceded to the requisition of the Conference; but whilst they published its injunctions, they pointed out the extreme hardship and difficulty of removing, within so short a time, those refugees who were settled in the country by marriage, the purchase of estates, or the relations of business. The Conference simply replied that it had not the power of modifying the general rule of expulsion; nevertheless, ten days afterwards (when a great portion of the evil was already done within a week) a note was

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addressed to the Senate, in consequence of fresh orders from the courts, declaring that, "although the said circumstances "could not warrant any exceptions from the general rule in "favour of the individuals whom they affected, and by so "much the less as the Government must be well aware that "in conformity to existing treaties, no Polish refugees "ought to have found an asylum or protection in the "country (??); nevertheless, the high protecting Powers, in "their inexhaustible clemency, being always disposed to "proceed with the utmost generosity, have consented to allow "a proper delay to the persons in the class specified, for the "purpose of arranging their affairs, after the expiration of "which they must peremptorily leave the country." What has previously been said will show how unfounded these reproaches were.

The fear of drawing down further evils upon the city by a useless resistance, prevailed over the general indignation and the despair of the sufferers, when the proclamation of the Senate was made public, requesting those persons, who were comprised in the classes designated for exile, to retire to Podgorze. On the 15th and 16th of February, more than two hundred of the refugees, docile to the voice of the Government, repaired of their own accord to that place. It was then the beginning of the Lent season. On that miserable Ash-Wednesday, when the solemn penitential services of the Church harmonized but too well with the anguish of the population, that band of exiles was allowed once more to enter the city from the Austrian side of the Vistula, and to repair to the church of Our Lady in the great square. The ceremonies of the day were observed not only with that solemn gloom with which the Christian world is wont to enter upon its season of abstinence and contrition; but they were accompanied by the sorrow of wives, children and families, deprived of their relatives and their support—by the lamentations of the city, and by the hopeless agony of exiles cast out thenceforward upon the wide world. The final parting took place upon the banks of the Vistula. It had all the character of a religious sacrifice—but it was a sacrifice which consisted, like the rites of the most savage tribes, in the offering up of weak and

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unoffending captives to propitiate their detestable gods. On the part of the victims, no act of desperation or violence betrayed the agony they endured; they had learned from their country to suffer manfully. Some clung in the arms of those they were leaving; others knelt upon the bank of the river, or drank its wintry water for the last time in the hollow of their hands. Those who departed were consigned to the dungeons of Brünn on their way to distant lands, to foreign service, and to the alms of the stranger; those who remained are still sad witnesses of the havoc caused by an act of arbitrary power, and of the desolation of their country.

But notwithstanding the immediate compliance of a considerable body of refugees with the proclamation of the Senate, a week had scarcely elapsed when the Conference, which was eager to invade the territory of the State and had made vain endeavours to obtain from the Senate a demand of armed interference, despatched a communication to the President at midnight, declaring that,—

" Since the government of Cracow, by employing illusory " measures, offering no guarantee for effecting the measure " which the protecting powers, in the interest of that state as " well as in that of the neighbouring provinces, had been " obliged to impose on it *(avoient du lui imposer)*, by " allowing the term fixed for its full and entire execu- " tion thus to elapse, and *by refusing the facilities and* " *generous means* which had for that purpose been put at its " disposal, has given proof not only of its inability to fulfil the " obligations resulting from Art. VI. of the Treaty of the 3rd " of May 1815, relative to fugitives *(transfuges)* and persons " prosecuted by the law, but moreover of a want of good will " to satisfy them; the Three Powers penetrated with the duties " which the quality of protectors imposes upon them towards " the state of Cracow, and equally penetrated with the ne- " cessity of putting a stop to a disorder which compromises " the tranquillity of this country and the repose of the " neighbouring provinces, find themselves under the necessity " of executing, by their own means, what they have agreed to " be indispensable to attain the end of restoring security and " tranquillity to the peaceable inhabitants of this country,

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"and of preserving their own countries from the revo-
"lutionary intrigues of which the city and territory of Cracow
"have become the focus*."

The same document proceeded to state that these "generous "means" consisted in the occupation of the territory by the Austrian Major-General Kaufmann, who accordingly entered the city on the following day at the head of 2000 foot and 400 horse and half a battery of artillery. These valiant troops had been as completely mystified by the false representations of the protecting powers, as our own noble Secretary for Foreign Affairs appears to have been. General Kaufmann drew his sword upon the bridge between Podgorze and Cracow, exclaiming "Forwards! in the name of God!"—the very cry of the immortal Blücher after the victory of Katzbach;—the officers believed that they were about to quell an insurrection and to enter a barricaded city; the soldiers (consisting chiefly of a Polish regiment in the Austrian service) that they were going into immediate action with the Russians: thus with matches burning, loaded arms, and a vast deal of needless heroism, they entered the peaceful and astonished city. Three days afterwards a detachment of Russian infantry entered with fifty Cossacks; and on the 1st of March, the arrival of 100 Prussian hulans completed the protecting garrison: it is just to add that the conduct of the last mentioned troops was exemplary, and worthy of a civilised nation†.

* We have been anxious to translate these despatches, of which authentic copies in the original French are in our possession, with verbal accuracy; this must be our excuse for the involved style of the cumbrous sentence which we quote in the text. We only vouch for its perfect conformity to the original.

† The conduct of the Prussians, in the affairs here detailed, contrasts so favourably with the violence of the other powers, that it may possibly be thought that in the event of Cracow's losing her independent rights, (by Lord Palmerston's abandonment of the measure he promised to execute) her welfare would be most promoted by uniting her to the Prussian Provinces, or at any rate to the Prussian Commercial League. There is very little doubt that both Austria and Russia contemplate a commercial union of the Free State with their own line of douanes, as a means of stopping the vast contraband trade by which their revenue now suffers, and as the safest step towards the final absorption of the territory of Cracow. In a purely commercial view the union of Cracow with the Prussian League would probably be least disadvantageous to her own merchants, because it would keep open her communications with the great wool fair of Breslau, the fair of Leipsic and the best corn-markets of the continent. But

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A military jurisdiction being thus established, a host of spies and informers were let loose to detect the persons who had remained in the territory to settle their affairs, or who conceived themselves to be secured from persecution by their long residence and naturalization. Nocturnal domiciliary visits, arrests, and the disarming of the state-militia, (the greater part of which was conveyed under escort to Podgorze) were the means chosen by the Residents to restore tranquillity and security to the peaceful inhabitants of the city. Aliens or suspected aliens were brought in chains from every part of the little territory to Podgorze; the peasant from his plough, the tradesman from his warehouse, the affluent from the bosom of their families. The peasants who were delivered over to the Russian Resident as having escaped from military service, were allowed to choose between the Russian army or transportation to America; but they were informed that America was a savage country 14,000 German miles off, and that scarcely one vessel in a hundred arrived safe at its destination! A reward of 100 Polish florins was promised by the General for every victim who might be denounced to the Residents. The President of the Republic was insulted by corporals in the Austrian army: the authority of the Senate was baffled by the Conference, even in the appointment of its own functionaries, and the publication of its own decrees; and the following official document, which we publish in its original form, will give some idea of the intolerable arrogance of these diplomatic tyrants.

the political importance of Cracow would be annihilated by a measure of this kind: if any respect is to be paid to the Treaties which made that Republic free, neutral and independent—if any hopes are entertained by the friends of Poland, (as fears are professed by her enemies) that Cracow may at some future period become a point of importance in any arrangements favourable to the cause of the Polish nation—the union of that city with the Prussian dominions would be injurious and impolitic in the highest degree, because it would be the surest means of destroying the nationality of that small remnant of Poland, and of cutting off its sympathy with the mass of the Polish people, living in Russian and Austrian provinces. The first acts of Prussia in Cracow would be to destroy the Polish character of the University—the last hold of the language and learning of the nation; to give the interests of German merchants a preference over those of the Polish agriculturists and manufacturers; and to effect as rapidly as possible a sort of transfusion of the German element, to which the religion, the traditions and the language of the people are essentially opposed.

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LA CONFÉRENCE DES RÉSIDENS DES HAUTES COURS PROTECTRICES A SON EXCELLENCE M. LE PRÉSIDENT ET AU LOUABLE SENAT.

Les soussignés Réprésentans des Hautes Cours Protectrices ont eu l'honneur d'informer M. le Président et le Sénat de la Ville libre de Cracovie, par leur office du 14 Avril dernier, quels sont les points qu'il a semblé indispensable aux Cours Protectrices de voir régler convenablement, avant de pouvoir faire évacuer entièrement la ville de Cracovie par les troupes qu'elles ont été dans la nécessité d'y laisser.

S. E. M. le Président a témoigné dans sa Note responsive aux soussignés du 26 Avril, le désir de connaître les bases sur lesquelles la réorganisation de la milice et de la police de Cracovie, ce qui formait deux points principaux des demandes des soussignés, dût être effectuée.

Les soussignés ayant eu soin de prendre à cet égard les ordres de leurs Hautes Cours se trouvent à l'heure qu'il est à même de satisfaire à la demande de S. E. M. le Président de Haller, en lui transmettant dans les annexes les principes que les Cours proposent à l'adoption du Sénat relativement *(a)* à la réorganisation de la Milice; *(b)* rélativement à celle de la Police; en y ajoutant encore *(sub c)* les choses qui devraient entrer nécessairement dans la loi à émettre pour régler l'admission des étrangers dans l'état de Cracovie, loi qui découle des règles les plus simples d'une bonne police, et que les Trois Cours jugent également importante pour garantir l'état de Cracovie et leurs propres provinces avoisinantes contre le retour des desordres et des dangers qui tantôt avaient excité l'attention des Trois Cours Protectrices et avaient exigé leur intervention active dans les affaires de Cracovie.

En abandonnant à la même délibération du Sénat les communications que les soussignés ont l'honneur de lui faire au nom de leurs Cours, ils ne sauraient s'empêcher d'y ajouter la réflection, qu'en donnant l'existence à l'état de Cracovie au milieu de leurs possessions, les Augustes Souverains Protecteurs de cet état n'ont certainement pu avoir l'intention d'y créer un foyer de conspiration contre la tranquillité de leurs Provinces limitrophes, un point de réfuge pour les révolutionnaires et les malveillans de toute espèce, et un sujet continuel d'inquiétude pour ses voisins, comme Cracovie était dévenue en dernier lieu. Les lois et institutions en vigueur en cet état n'ayant pu le garantir des maux et dangers ci-dessus indiqués, il devient absolument nécessaire d'y apporter les modifications que les circonstances exigent; or, ce n'est que dans l'adoption et la franche exécution des mesures que les Cours proposent qu'elles croient trouver le remède au mal, et une assurance que le Gouvernement de Cracovie a sincèrement l'intention de remplir ce qui est dans ses devoirs envers ses Protecteurs, et l'on peut ajouter envers l'état même dont l'existence et la prospérité leur sont confiés.

Les soussignés ne peuvent enfin passer sous silence que leurs Hautes Cours considéreront encore comme un gage des sentiments du Sénat de Cracovie, les soins qu'il apportera au choix des employés dans toutes les branches du service public, car ce n'est point en voyant en fonctions même dans les places influentes, des individus compromis par leurs antécédens et partisans de la dernière révolution, que les Cours pourront prendre confiance.

Les soussignés saisissent cette occasion pour renouveller à S. E. M. le Président et au louable Sénat l'assurance de leur haute considération.

(L. S.) v. HARTMANN. E. v. STERNBERG. LIEMMANN.

Cracovie, 2 Juin, 1836.

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ANNEXE A.

PRINCIPES RELATIFS A LA REORGANISATION DE LA MILICE:

Les deux points principaux dont il s'agit sont:

a. La nomination d'un Commandant de la Milice, pour que ce soit un individu qui sache inspirer une entière confiance par ses sentiments politiques, et qui possedât en même temps les qualités nécessaires pour qu'on puisse se reposer sur lui relativement à tous les objets de detail: et

b. La composition de la milice quant aux officiers et soldats: les Cours protectrices croient devoir placer comme première condition pour pouvoir être soit commandant soit officier ou soldat dans la milice de Cracovie de n'avoir pris, en aucune manière, part à la dernière révolution de Pologne; et 2° pour être commandant ou pour entrer d'abord en qualité d'officier dans la milice, d'avoir servi dans les armées de l'une des Trois Cours Protectrices, et d'avoir obtenu régulierèment la permission de passer au service de Cracovie. La voie de l'enrôlement serait conservée pour la milice, et les officiers et soldats de l'ancienne milice qui existent encore, et contre lesquels il n'y aurait point d'objection individuelle, formeraient le noyau de la nouvelle milice: on consentirait à une augmentation de cette troupe jusqu'à 450 hommes et 40 chevaux, savoir, deux compagnies de milice proprement dite de 150 hommes chacune y compris les charges, une compagnie de soldats de police de 110 hommes, et 40 gens-d'armes à cheval.

Le commandant de la milice examinerait et jugerait des qualifications des individus qui se présenteraient pour devenir officiers de la milice, et sur sa proposition le Sénat les nommerait.

Pour pouvoir être soldat ou bas-officier dans la milice il faudrait ou appartenir à l'état de Cracovie, ou être sujet d'une des trois puissances, être au moins de l'âge de 25 ans, et accepter une capitulation au moins de six ans. Un individu qui remplirait ces conditions outre celle de n'avoir pris aucune part à la révolution de Pologne, qui physiquement serait trouvé apte au service et contre la moralité duquel il n'existerait point d'indice déplorable, pourrait être enrôlé par le commandant contre un argent d'engagement à fixer d'avance. Il serait essentiel de fixer le traitement des soldats et officiers de la milice de Cracovie de manière à présenter quelque attrait pour ce service, et il devrait être prévu au cas d'invalidité et de retraite.

Une commission que nommerait le Sénat, et à laquelle le nouveau commandant de la milice prendrait part, réglerait les autres points de detail pour la formation de la milice, que la conférence de Résidens aurait à sanctionner.

Il s'agirait ensuite de dresser un réglement de service et un réglement disciplinaire et pénal pour la milice de Cracovie.

Comme l'evacuation definitive de l'état de Cracovie depend principalement de la nouvelle formation de la milice sur ces bases, les Trois Cours s'attendent à être informées le plutôt possible du progrès de cette formation, et en cas qu'elle n'eut point le succès désiré, ce serait au Sénat à indiquer les obstacles qui y mettent empêchement, afin qu'il puisse être aviśé aux moyens d'y porter remède.

In fidem copiæ: (L. S.) HARTMANN.

ANNEXE B.

PRINCIPES A SERVIR POUR LA REORGANISATION DE LA POLICE.

La police pour être bien administrée, exigeant unité de volonté, une prompte exécution et une responsabilité non partagée, les Trois Cours sont de l'avis que

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la direction suprême des affaires de police à Cracovie et nommément la police pour les étrangers devrait être concentrée entre les mains du Président, et qu'à cet effet l'art. 18 du statut organique du Sénat, qui ne réserve au Président que les affaires de haute police, devrait subir une modification en étendant cette réserve aux affaires de police en général.

Ce serait aussi au Président avec le concours d'un comité des Sénateurs qu'il choisirait lui-même, que devrait être réservée la nomination des commissionnaires et adjoints de police ; et comme d'après l'article XI de la Constitution ces nominations appartiennent au Sénat, les Trois Cours entendent modifier sous ce rapport l'article en question.

La nomination du Directeur de Police resterait au Sénat, mais les Trois Cours s'attendent que son choix sera communiqué préalablement à leurs Résidens, afin de s'assurer s'il n'y a pas d'objection de leur part, puisque les Cours ne sauraient jamais consentir à voir à la tête d'une branche du service public aussi importante pour la sureté de l'état de Cracovie même, et pour celle de leurs provinces avvoisinantes, un homme qui outre les qualités requises pour cette place, ne présenterait pas par tous ses antécédens une parfaite garantie de la rectitude de ses sentimens politiques*.

La nomination et la destitution des employés subalternes de la Police seraient du ressort du Directeur, parcequ'il est aussi responsable de l'exécution de toutes les mesures de police jugées nécessaries. Pour faciliter la surveillance de la Police dans tout le territoire de Cracovie, des employés subalternes et dependant uniquement du Directeur de Police devraient être placés dans chaque district.

Le Directeur de Police devrait obtenir un fond proportionné pour la Police secrète, dont il manquait jusqu'ici entièrement, et dont il ne serait comptable qu'envers le Président.

Le traitement du Directeur de Police, fixé annuellement à 5000 fl. polonais ou à peu près 1250 fl. C. M. devrait être augmenté en raison de sa grande responsabilité.

In fidem copiæ: (L. S.) HARTMANN.

ANNEXE C.

La nouvelle loi ou ordonnance concernant l'admission des étrangers à Cracovie devrait comprendre les points suivans :

1. Qu'il ne serait point permis à des sujets étrangers de se rendre sur le territoire de Cracovie, sans être munis d'un passeport en règle.

2. Qu'il ne serait non plus accordé des permis de sejour aux étrangers non-munis de passeports en règle. Les sujets des Trois Cours Protectrices seraient en ce cas renvoyés dans les pays auxquels ils appartiennent, et les autres étrangers dans la direction de leur arrivée.

3. Qu'il serait prononcé, s'il n'existe pas déjà de loi à cet égard, la peine applicable à la falsification des passeports, certificats, etc., à laquelle celui qui produirait des passeports falsifiés serait soumis dans l'état de Cracovie, après

* In conformity with this declaration, the functions of the head of the police are exercised by a personage named Gut, whose long experience in the secret police of Austria gives him a perfect claim to the *infamy*, which it is termed by the authors of this document, "the guarantee of his rectitude." The preceding clause conferring the office of conducting the police on the president is a mere feint, for that functionary is himself a chief magistrate with a police magistrate over him.

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quoi le coupable s'il est sujet des trois puissances protectrices serait remis à son gouvernement, et expulsé du territoire de Cracovie s'il appartient à un autre pays.

4. Que les peines pour ceux qui accueilleraient des individus non-munis de passeports en règle ou qui negligeraient de les designer à la police seraient augmentées. Les Cours Protectrices n'entendent pas cependant comprendre dans l'obligation de produire les passeports des habitans de la frontière lorsqu'ils sont connus, et ne s'arrêteraient pas au delà de trois jours sur le territoire de Cracovie. Elles n'entendent pas non plus donner à cette loi une force retroactive, relativement aux personnes qui se seraient introduites antérieurement sans passeports à Cracovie*, et qui y travaillent dans les métiers, ou qui y sont en service, à condition cependant qu'il serait fixé à ces gens un terme pour se mettre en règle.

Enfin les Cours Protectrices entendent apporter toutes les facilités compatibles avec leurs lois de police, tant pour recevoir les individus qui seraient renvoyés du territoire de Cracovie, que pour fournir des passeports ou certificats à ceux de leurs sujets qui voudraient se rendre pour des motifs valables dans l'état de Cracovie.

L'on ne saurait admettre qu'une loi comme celle qu'on propose, et qui est fondée dans les règles les plus simples d'une bonne administration de police, soit contraire à l'article II de la constitution pour l'état de Cracovie, puisque bien certainement on ne voulait et ne pouvait imposer au gouvernement de Cracovie une obligation d'acceuillir et de tolérer tous les crininels, les mauvais sujets et gens sans aveu qui se refugieraient sur son territoire aussitôt qu'ils ne seraient point réclamés.

Our limits will not allow us to detail all the sufferings of the population of Cracow, from its highest magistrate to the humblest stranger within its gates. The General vied with the Residents in brutality, and continued to treat the city as if he had conquered it by armed force. Yet, notwithstanding these shameful proceedings, whilst commerce was nearly stopped, whilst English subjects were with difficulty allowed to visit the antique monuments of the city, and whilst every privilege which had once been secured to Cracow by England in common with the other European powers, was trampled upon—the sole anxiety of an English Minister seems to have been—not to defend the oppressed, or to right the cause of equity, but to extricate himself from the only rash promise he ever made—a promise of acting wisely and worthily of England.

* Long before this declaration was made, the sweeping measure of the expulsion of strangers had already dragged away the greater part of the individuals here designated; to those victims no term was allowed to conform to the regulations, and though this decree disclaims a retroactive force, its severest provisions had been illegally enforced long before the decree itself was promulgated.

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Worn out by the arrogance and terrified by the menaces of the residents, M. de Haller, the president of the republic, who had been illegally appointed immediately after the occupation, tendered his resignation. Before the close of September last, the Arch-duke Ferdinand, governor of Galicia, passed through Podgorze on his return to Lemberg from the coronation of the Emperor of Austria at Prague. He gave an audience to the three residents and to president Haller. That functionary repeated his earnest desire to resign his authority, but the arch-duke in the presence of the residents treated him with the most marked politeness, and assured him officially that the Three Courts earnestly desired him to retain his post. From that time the residents adopted a more moderate tone in their relations with the president. On the 15th of October, the election of the diet, which sits once in three years, took place. The proceedings were conducted without any undue excitement; but the choice of the deputies was not of a nature to please the residents. The bare name of a Polish legislative assembly was sufficient to excite the jealousy of the three powers. The first Monday in December is the day fixed by the constitution for the opening of the session; but on the 21st of October a note was addressed by the residents to the senate, demanding the indefinite postponement of the session, without assigning any reasons for this injunction.

Thus then the last pretension to constitutional government has been thrown aside, and the unfortunate city is absolutely swayed by three tyrants, differing from one another in interests and in policy, but animated by a dire unanimity of hatred for free commerce and national institutions. It is obvious that the aggressions of the powers, particularly of Russia and Austria, are not dictated by the dread of anarchical principles which they feign, since the most searching domiciliary visits, interrogatories and inquisitions have failed to bring to light a single trace of revolutionary designs. But against Cracow, the nominally free Polish town—Cracow, the sepulchre of the Polish kings—Cracow, the depository of the legendary hopes of the Polish nation—Cracow, the last seat of the language and literature of Poland, their attacks are directed. The profanation of her monuments, her schools and her shrines proves—what

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alas! all Poland lives but to prove—that the second irruption of the barbarians has begun.

But besides these political motives, the natural advantages and the commercial privileges of Cracow are sufficient of themselves to awaken the attention of the adjacent states. The territory contains abundant coal-fields, rich lead ores, a fertile and well cultivated soil, an industrious population and a great navigable river. All kinds of foreign produce enter Cracow, by transit through the Prussian league, with perfect freedom. The value of English goods annually imported is estimated upon the lowest computation at 500,000 Prussian dollars: the greater part of which are smuggled into the adjacent countries. The premium on contraband goods delivered free of duty from Cracow in Vienna is only 15 per cent., whereas English manufactured articles are either prohibited by the Austrian tariff, or subjected to a duty of 60 per cent. It is not astonishing that efforts should be made by the great prohibitive empires, whose frontiers may be deluged with contraband goods from the free mart of Cracow, to suppress privileges so detrimental to their custom-house revenues. But it is most astonishing that no efforts should have been made by the British government to profit by an opening left by the treaty of Vienna in the very heart of Europe. Let us suppose that a British merchant should have been induced, by the communications which have recently been made public respecting the state of trade in Cracow, to send merchandise there, and to place his capital on the faith of Lord Palmerston's solemn assurance that a consular agent of England would be appointed to watch over the independence of the state and its commercial relations with ourselves—the case is not entirely hypothetical, for we happen to know that large consignments of tea and colonial produce have recently been made from England: suppose again that by an agreement between the three powers, Cracow was to be all at once included within the lines of Russian or Austrian custom-houses; the merchandise sent out on the faith of a minister's promise might either be seized, or heavily taxed, as the merchandise of Frankfort was when that city joined the Prussian commercial league; the most promising speculation might then prove disastrous, for no agent would be there either to warn the English gover-

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ment of the impending measure, or to remonstrate on its accomplishment. To whom then would the merchant apply for redress? Lord Palmerston acknowledged the independence of Cracow, and consequently he acknowledged her commercial privileges, he directly pledged himself to the measure most calculated to support both, and now, with an utter contempt of interests which may have been placed in jeopardy by his evanescent firmness, he abandons the question. If such a case as we have here supposed, ever does occur, we shall probably be informed that before the mischief took place it was too early to prevent it, and when it had taken place it was too late to remedy it.

Difficulties have arisen—objections have been made: but are we arrived at so low a degradation that an envoy of England must be regarded as an incendiary, and kept out like an infection? Is this island placed under an interdict, that her foreign minister cannot name a consul accredited to a state forty miles long? Ought we not to protest by a firm and wise conduct, if so bad a construction has been put upon our intentions? It is asserted that the presence of an English agent would serve to rally all the malcontents in the country: we trust that he would not so entirely forget his duty and the dignity of his post. But the present case is reducible to a dilemma: either there are grounds for dreading an outbreak in the Polish provinces, or there are none; if there are, it becomes our imperious duty to watch over a movement, whose consequences (if it really existed) might be immense; if there are no just reasons for any such dread, the whole objection falls to the ground.

We are willing to believe that Lord Palmerston has not failed in the performance of his engagements from a jocose indifference to the matter, or a culpable neglect of his country's honour. The importance attached to the whole transaction by the foreign powers, must have convinced the noble lord that more was at stake than at first met the eye; and he must have had some urgent motive (though, as we think, no valid reason) for changing his course of action. We believe that we are doing ample justice to this urgent motive, in assuming that it consists in an erroneous notion of propitiating the Austrian government by a pitiful surrender to its demands. We have

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always been foremost in advocating an alliance between England and Austria, because alliances are not founded upon social sympathies, but common political interests; and those common interests exist to the highest degree between the two countries. That is not the least brilliant period of the English and Austrian annals, at which the two nations joined their strength to resist a common enemy abroad, though their internal revolutions and their internal policy were totally opposite in principle and in result: and before fifty years have elapsed, England may send another Marlborough to fight beside another Eugene. We believe in this alliance, because we believe in its *necessity:* it is not to be bought with weak concessions, but consolidated by vigorous and wise actions. Till we have shown that we are not only prepared, but determined to act upon provocation, Austria will probably deprecate our manifestations, and oppose our views. If the ministers of Austria are timid, if they are suspected of duplicity, if they are the slaves of circumstances, and if we wish not only to invite, but to compel them to our alliance, we must show ourselves to be brave, true and the MASTERS of circumstances. Has Austria the more faith in us from finding that weak as she knows herself to be, she has nevertheless had strength enough to deter an English minister from his fixed and avowed purpose? Will she trust more to our co-operation on the Black Sea, from learning that we have foresworn our pledge, neglected our interests and abandoned our just rights in Cracow?

Above all, we hold it to be unjustifiable and unwise to disjoin the question of Poland from the question of the East, and to abandon the former in order to gain an apparent advantage in the conduct of the latter. The appointment of a British agent at Cracow afforded the means of intimating in a firm but not a hostile manner, that England does not regard the provisions of the treaty of Vienna with regard to Poland, as a dead letter; that she is prepared to watch over those violated provisions even now, and to re-assert their stricter observance at any suitable opportunity. This manifestation may alarm Austria; but if it had been put into timely execution, her terror might have been assuaged: she would have learned that the presence of an English agent afforded her

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additional protection from the designs which Russia entertains upon Cracow; she would have found that an enlightened representative of England would have more real power in discountenancing the mad and detestable projects of anarchy, than all the rigour of her own inquisitorial commissions; and she would have derived an additional guarantee of support from England, in checking the aggrandizement of Russia, which is and must inevitably be the grand object of her secret policy. The occupation of Cracow, and the seizure of the Vixen, were two events sufficiently important to afford us a signal opportunity of declaring the universal determination of England to assert her rights and to repel insult—these being neglected, they are only the precursors of more dangerous aggressions and more costly humiliations.

Article VII.

Ireland under Lord Mulgrave. London: 1837. Third Edition, with Additions.

It is the fashion to attribute to England more than her due share in the directing machinery of "that long tragedy of "crime and misfortune which the annals of Ireland unfold." That a considerable portion of this disgrace, more especially after the accession of the Tudors, attaches to the English rule is undoubtedly true; but it is not inconsistent with our notions of justice for Ireland, to attempt a more equitable distribution of blame among the several accomplices in mis-rule, *viz.*, the English government, the native chieftains and the English lords, who, liking the tyranny they were enabled to inflict under the Irish law, found it at once profitable and pleasant to become Hibernis ipsis Hiberniores.

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The English dominion in Ireland is generally dated from the reign of Henry II.—True, the island was reduced under the Earl of Pembroke, and divided amongst the Anglo-Norman barons, who, to secure their acquisitions from the cupidity of their monarch, took grants of their lands under the English crown, and acknowledged its sovereignty. In this manner, in the thirteenth century, almost the whole of Ireland was shire ground, and subject to the crown of England*. Removed, however, from the influence of the monarchy, and emboldened by their acquisitions and franchises, the descendants of the conquerors, impatient of legal restraint and desirous of uncontrolled and unlimited power, adopted the manners and customs of the Irish chieftains,—abandoned the use of their own language, governed their people despotically,—pardoned or punished all malefactors within their several counties at their pleasure,—refused obedience to the king's judges,—and disregarded the king's summons to his parliament†. They made, we find from Sir John Davis, "peace and war on each other without "controlment, not only during the reign of Henry II., but "afterwards at all times, even until the reign of Queen "Elizabeth." Instead of reclaiming the inhabitants from their uncultivated manners, they gradually assimilated themselves to theirs. Hume says, "The conquerors degenerated "from the customs of their own nation; the natives, not wholly "subdued, still retained their animosities against them. Hatred "was repaid by injury, and from these causes, for four cen-"turies the people remained savage and untractable."

The state of the kingdom was unheeded by the English monarchs, from their attention being engrossed by the crusades, foreign wars, and finally, by the long struggle between the houses of York‡ and Lancaster, during which, the evils of Ireland

* Davis, 151. 102. Leland, 1. 256. Ware, 2. 58.

† In most cases, they assumed Irish surnames; the De Bremingham, the name of M'Yeoris; the De Burgo, M'William; Butler, M'Pheris; Fitzmrse, M'Mahon; Decester, M'Jourdan; D'Angelo, M'Costello; Fitzsimon, M'Kuddory, &c.

‡ Almost the entire army of the Duke of York at the battle of Wakefield, was composed of Irish.

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remained unchecked. A duplicate of Magna Charta was indeed transmitted from England for the benefit of the king's faithful subjects in Ireland, with such alterations as the local necessities of that country appeared to require:—they were put on an equality of rights and privileges with their fellow subjects in England. The whole common law of England, with all its forms of process, and every privilege it was deemed to convey, became the birth-right of the Anglo-Irish colonists, but without any apparent advantage. The spirit which had hitherto disturbed still animated them; they still lived in a state of rivalry and dissension, and still supported their claims by force of arms; their vassals, as well as the natives, still felt the consequences of their pride and oppression; equity and justice were alike scorned by these imperious lords, whose sole pursuit was rapine and ambition. In the words of an Irish historian, "the country "presented the melancholy picture of a feeble government, "a haughty and daring nobility—laws suspended, controlled "or contemned—a people torn by faction, anarchy, by local "feuds and barbarous massacres."

The chieftains of Irish descent were numerous, and equally oppressive: in 1394, the number of those exercising petty royalties within their districts, and making peace or war at their pleasure, who submitted to Richard II., was seventy-six.

The people, equally harassed by English nobles and Irish chiefs, felt their inferiority, and made several attempts to obtain admission within the pale of the English constitution, which were unfortunately rendered unsuccessful by the intrigues of interested individuals*. The English influence,

* Application was made to Sir Robert de Ufford, chief governor of Ireland, in the reign of Edward I., and 8000 marks were offered to the king, if he would grant to the Irish inhabitants of the pale, the privilege of English subjects, and enjoyment of the laws of England, which was consented to by Edward, provided the consent of the prelates and nobles of Ireland could be obtained. But if the object sought for by the Irish had been obtained, their rapacious views would have been circumscribed, and their violence and oppression controlled; self-interest interposed, and in place of seconding the wishes of their monarch, they denounced the scheme as impracticable.

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under the Plantagenets, declined from year to year, and when Henry VII. obtained the crown, it was not acknowledged in more than half of four or five counties*. The people were everywhere ground to the dust by extortion and oppression, "*coyne* "*and livery were universallypractised*, taking horse meate and "man's meate of the kingg's poore subjectts for nought, without "any penny paying therefore†. What pittye is to heare, and "ruth is to report," writes an author of that day in describing the state of the poor, "there is no tongue that can "tell, no pen that can write; it passeth farre the oratours "and the museis all to shewe all the order of the noble "folque, and how crewl they entereth the poore common "people; and what danger," continues the same writer, "is "to the king genst Godde to suffer his land, whereof he bears "the charge and cure temporal, until Godde, under the see "apostolaycal, to be in the sayde myesorders so long withoute "remedye; it would be more honor and worship to surrender "his claim thereto, and to make no longer prosecution "thereof, than to suffer his poor subjects always to be so "oppressed, and all the noble folks of the land to be at warr "within themselves, shedding christian blood always without "remedy." Several of the remaining counties had purchased protection and paid black mail to the adjoining chieftains. "Although they would be right glad to obey the king's laws "if they might be defended by the king from the Irish "enemies‡:" and in other counties, "because they be not "so defended, they have turned from the observance of the "king's laws, and live by the sword, after the manner of the "Irish, though many of them obey the king's deputy when "it pleaseth them; yet there is none at all of them that "obeyeth the king's laws§."

* Louth, Meath, Dublin, Kildare and Wexford.

† State Papers.

‡ *State Papers*, 1515.—"It is a proverb of old date, the pride of France, the "war of England and the treason of Ireland shall never cease."

§ *State Papers.*—The Burks, Berminghams, Butlers, Daltons, Nangles, Fitzmaurices, Fitzgeralds, Barrys, Conrys, Cogens, Barretts, Prendergasts, Roches, Poers, Stantons, Savages, Fitzalans, Dillons, Tyrrells, Delemares,

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" The power of the nobles fell before the stern rule and the unrelenting policy of the Tudors. The Irish yielded to them a reluctant allegiance;—the attachment of the people to the house of York, caused them in the reign of Henry VII. to support the pretensions of Simnel and Warbeck;—under Henry VIII., the policy which for so long a period characterised the system of English rule in Ireland *of divide et impera*, was commenced, by balancing the power of Kildare with the rival pretensions of Ormond; the rebellion of the silken lord*,—the commotions occasioned in

Bissets, were mentioned as amongst those " that followith the Iryshe order, and " keepyeth the same rule, every of them makyth warre and peace for hymself " without any lycence of the kyng or any other temporal person, save to hym " that is strongest that may subdue them by the sworde."

We cannot refrain from giving the following extract from a book entitled " Salus Populi," by Pandarus, an author who lived in the period from the reign of Edward IV. to the end of Henry VII. " The holly wooman, Brigetta, used " to enquyre of her good angell many questions of secrete dyvine, and among " all other, she enquyred of what crysten lande was most sowles damned. The " angell shewyed her a lande in the waste parte of the worlde. She enquyred " the reason why. The angell sayde for this: the crysten folke dye moste oute " of charytie. She enquyred the cause why. The angell sayde, for ther is " moste contynnual warre, oute of hate and envye, and of vycies contraye to " charytie, and withoute charytie the sowles cannot be saveid; and the angell " dyd shewe tyll her the cappes of sowles of chrysten folke of that lande, howe " they fell downe into hell as thyck as anye haylle showrys:" and the author states his opinion this is the land the angel understood, " for ther is noo lande " in thys worlde of so long continnueth warre within hymselff, ne of so greate " shedding of chrysten blood, ne of so greate enbuing, spoyleing, preying and " burning, ne of so greate wrongful extortion contynnually as Ireland."

* This rebellion was made the pretext for destroying the powerful family of Kildare. Six of its members perished on the scaffold, and the escape into Flanders of the youngest son of the Earl, alone saved it from extermination. Under Elizabeth the destruction of the other branch of the Geraldines was completed, and is thus described in a tract of Lord Somers's collection, written by Sir Walter Raleigh. " The Earl (of Desmond) being one of the greatest subjects " in that kingdom of Ireland, having almost whole counties in his possession; " so many goodly manors, castles, and lordships; the Count Palatine of Kerry, " five hundred gentlemen of his own name and family to follow him, besides others " (all which he possessed in peace for three or four hundred years) was, no less " than three years after his adhering to the Spaniards and rebellion, beaten from " all his holds, not so many as ten gentlemen of his name left living, himself taken " and beheaded by a soldier of his own nation, and his land given by Parliament " to Her Majesty, and possessed by the English."

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the North*, by repugnancy to the reformation, rendered from the commencement their rule far from a peaceable one. Nevertheless under the Henrys and Edward, the power of the crown gradually re-established itself. Under Mary, Leix and Offaly, two districts of Leinster, were reduced and made shire ground; her reign was not marked here, as in England, by religious persecution; several English families of the reformed religion fled from their own country, and found in Ireland protection and unmolested enjoyment of their opinions†. However, the first years of Elizabeth's reign may have in England me-

* "In this district the Irish had of late become formidable, the greater portion of the descendants of the original conquerors had returned to England." (Clintons, Russels, &c.) "Those who remained behind (the Savages and Whites), after a long and bloody contest, had been almost exterminated, and O'Neal, O'Donel and O'Dogherty, now remained undisputed masters of the country."

† It was, however, the intention of Mary to have extended her bloody zeal to Ireland. "She appointed Doctor Cole, Dean of St. Paul's, a commissioner to "execute her commands. On the doctor's arrival at Chester, the mayor of that "city being a zealous churchman, waited on the dean in order to pay his respects, "and in the course of the interview, the reasons of his passing over to Ireland "being adverted to, the doctor showed his visitor the queen's commission, "saying, 'Here is a commission which shall lash the heretics in Ireland.' The "landlady of the inn, where the dean was accommodated, was well affected "towards the Protestants, and having a brother professing similar sentiments, "residing at Dublin, was exceedingly troubled at the words of the dean, which "she had accidentally heard during her attendance upon him; she resolved, if "possible, to possess herself of this persecuting commission, and watching the "opportunity, when the mayor took his leave, the dean attending him down the "stairs, she opened the box containing the dangerous paper, and introduced in "lieu of it, a pack of cards folded in paper. The dean, returning to his apartment, put by his box, little suspecting the ingenuity which had been executed. "The following day he embarked for Ireland, and landed in Dublin: eager to "execute the commands of his royal mistress, he immediately repaired to the "castle. The Lord Fitzwalter being deputy, without delay he requested a conference with him and the privy council, which being granted, he opened the "subject of his commission, and presented the box to the Lord Deputy to "examine the document conferring upon him the authority of proceeding "vigorously against the heretics. The Lord Deputy caused the box to be "opened, and desired the secretary should read the legal commission in due "form. The packet was accordingly unfolded, when lo, the cards appeared. "The Lord Deputy and the council regarded each other with surprise, and the "doctor's confusion may be imagined. He declared he had a commission, but "knew not where it was gone: the Lord Deputy remarked with well affected "gravity, 'Let us have another commission, and we will shuffle the cards the

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rited the epithet given to them by Sir R. Naunton, in his Fragmenta Regalia, "of halcyon days," her government in Ireland, from the commencement of her reign to the end of it, was marked by the calamities of civil war. Sir Arthur Grey, her lord deputy, was declared to have left his royal mistress little to reign over in that country, save ashes and carcases.

The wars of Desmond and Tyrone desolated a great portion of Ireland. The arbitrary administration of Strafford was almost immediately followed by the rebellion of 1641, occasioned chiefly by the penal laws against recusants and the inquisition into defective titles*. The slaughter of Cromwell, and the successful campaign of William, left Ireland about the year 1700, for the first time, under the complete dominion of England.

Englishmen look back with pride to the reign of Elizabeth; to the position their country occupied under the protectorate;

"meanwhile.' The poor doctor being troubled in his mind at this unaccountable "loss, retired from the council, and returning to England as quickly as possible, "he actually did obtain a second commission, and again hastened to sail for "Ireland, but was prevented by a contrary wind; while waiting in momentary "expectation of a favouring breeze, the intelligence reached him of Mary's "death."—*Cox's Hibernia Anglicana. Harleian MSS.*

* Under the Stuarts the most flagrant injustice was committed against the Irish proprietors by the commission issued in 1614 to inquire into the title to the crown lands in Ireland. By verdicts of juries appointed by the commissioners, all lands held according to the custom of tanistry, were declared forfeit to the crown. By this inquisition the king became entitled to 385,000 acres in the counties of Leitrim and Longford alone. The old pipe rolls in the tower of London were ransacked to find out flaws in the titles under which estates were held, and commissions of inquiry into defective titles or crown lands were granted by the crown to "discoverers," as they were called, upon the condition that if the defect were found and the rights of the crown acknowledged, the advantages should be divided between the king and the "discoverer." "Sur-"renders," says Hallam, "were extorted by menaces; juries refusing to find "the crown's title, were fined by the council; many were dispossessed without "any compensation, sometimes by gross perjury, sometimes by barbarous "cruelty." This mockery of justice in the midst of tyranny was continued by Strafford, who told the jurors that it would be best for their interest to return a verdict such as the king desired, since he was able to establish it without their consent. These menaces had the desired effect in all counties except Galway where a jury refused to find for the crown; in consequence of which they were summoned to the castle in Dublin, and sentenced to pay 4000*l.* each, an enormous fine. The sheriff was also fined 1000*l.* for returning such a jury.

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to the glorious consequences of the revolution of 1688:—but in the history of Ireland, each of these epochs is marked by blood and confiscation. The reigns of William and Anne were rendered infamous by a new species of oppression, known by the name of the penal laws; under which, although in appearance tranquil, discontent rankled at the heart of the people. At the restoration of Charles II., those who had been most faithful were worst treated; the Cromwellian grants were confirmed, and upwards of three thousand claimants were refused inquiry into their guilt or innocence. The effect of this settlement was to leave the Catholics despoiled of half their estates;—having previously been owners in fee of about two-thirds of Ireland, they were reduced to one-third. The forfeitures under William left them in possession of not more than one-sixth or one-seventh. National hatred, religious jealousy, personal injury, all combined to widen the breach between them and the new proprietors, who regarded them with distrust and apprehension. The latter considered that toleration would lead to a resumption of the forfeited estates, and under this impression the House of Commons, in the hatred and fear of popery, sacrificed the national interest, and surrendered the national independence. The heads of the principal Catholic families abandoned the country, and sought for distinction in foreign lands*; those who remained behind were formidable from their numbers, and laws were passed to convert them to Protestantism,—but no pains were taken to influence their judgments or convince their understandings. By the undue violence of preceding reigns, life had been freely sacrificed; but these laws, with ingenious cruelty, spared life, in order to outrage in the victim of their oppression, all the rights of citizenship, and all the better feelings of human nature. To have expelled them as Spain did the Moors, to have exterminated them as some of the Cromwellians were said to have projected, would have been repugnant to humanity, but incomparably more intelligible than pursuing a course which exasperated without subduing, and rendered the agency of that great

* From official returns it is found, from 1691 to 1745, the date of the battle of Fontenoy, upwards of 450,000 Irish died in the service of France.

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harmonizer, time, of no effect. The wealthier families nominally conformed for the protection of their properties; but the mass of the people, considered beneath notice, remained unchanged. The reformation made no progress; ignorance, neglect and indifference prevailed in the church; the means by which it had in other countries been principally effected, were neglected; no translation of the Scriptures was made into the Irish tongue, universally the language of the people. Had these means been exercised, the Catholic religion would probably not have withstood the progress of the reformation amongst the Irish, longer than it did amongst the other Celtic nations, the Scotch and Welch; but the Protestant clergy were generally unable to speak the language of the people; they considered the Irish inhabitants no part of their charge, but left them to the care of the priests, who still remained in the country. The upper classes were not favourable to the conversion of the people; the landlords preferred the more submissive demeanour of the Catholic, to the independence of the Protestant tenant. Hewers of wood and drawers of water they wished the people to remain; they were better pleased to rule over slaves, than to associate with freemen. This spirit was strongly displayed in the answer of the celebrated Earl of Cork;—when asked why he who had done so much for the improvement of Ireland, had not endeavoured to plant more Protestants on his estates, he replied, that he did not want men wearing swords by their sides, and considering themselves as good gentlemen as he was. The penal laws flourished in unholy vigour; the Catholics "had "no existence in law except for punishment;" it became a proverb, there was no justice for a Catholic. Society felt in that state, which proved in the words of Grattan, "to the Protestants "a drunken triumph, to the Catholics a sad servitude." From this period, save for the writer on political intrigue or predial outrage, there is nothing to dwell on before the era of him whose words we have just quoted, and the enrolment of the volunteers. That bright phase in the history of Ireland has been so often described, that we will not detain the reader by expatiating on it, nor shall we dwell on the rebellion of 1798, and its immediate consequence—the Union, which was carried in

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opposition to the national feeling*, by delusive promises, gross corruption†, and strong military force‡.

The basis was entirely disregarded on which the union between the two nations was established. It was, in the words of Lord Grenville, "to be a complete and entire union, founded on "equal and liberal principles, on the similarity of laws, consti- "tution and government; on a sense of mutual interests and "affections, by promoting the security, wealth and commerce of "the respective countries." The united parliament, from the commencement, treated Ireland as an unruly member of the family, who could alone be governed by means of coercion;—the promises made by Mr. Pitt were destined to be soon forgotten, even by himself; and the *honey moon* of the union was celebrated in Ireland by the suspension of the Habeas Corpus Act, and the establishment of martial law. It is a maxim as old as Plato, that a general insurrection in a country is a proof of misgovernment; after the suppression of the rebellion of 1798, it was the obvious duty of a paternal government to have instituted an inquiry into the causes of that event, with a view to the application of remedial measures. Upon the suppression of disturbances in Ireland, in the reign of Elizabeth, the advice of Lord Bacon to the queen's government was, that they should appoint a commission to inquire into the existing grievances of the people, and to consider the most effectual means of redressing them. "Take away," said he, "the matter of discon- "tent, which hath this wisdom, that it takes away the cause of

* Out of 32 counties, 27 petitioned against it. Counter-petitions were vainly attempted to be got up in Armagh, 17,000 persons signed the petition against, only 415 in favour of the measure; and this might be considered as not an overstated average of the popular sentiment on this subject.

† Of the 162 members who voted in favour of the Union, 116 were persons holding places of profit under the crown; 63 seats had been vacated since its rejection the previous year. Thirty-seven peerages were created; eight lawyers were made judges who voted for the measure, and 15,000*l.* each was given for 84 disfranchised boroughs.

‡ The army consisted of 17,000 men. Artillery were brought to bear on the Court House, in the King's County, and a meeting of the gentry to petition against the Union prevented.

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"grievance." But the philosophy of history had no effect on the passions and prejudices which presided over Irish councils; a nation was treated as if it were a mob, and measures of coercion were adopted instead of a commission of inquiry; the voice of public opinion was suppressed by the strong hand of power, and the consequence of closing the safety valve of complaint, was the sudden explosion of the insurrection, headed by the ill-fated Emmet. Here again, notwithstanding the declaration of ministers, that the safety of Dublin was never in danger;—that an hour had not elapsed before tranquillity was restored, and that the number of insurgents did not exceed eighty: notwithstanding the statement made in the King's speech, "that the leaders and inferior agents in the late barbarous "and atrocious conspiracy, had been brought to justice, and "that the public tranquillity had experienced no further "interruption?" the House of Commons consented to the continuance of the suspension of the Habeas Corpus Act, and the re-enactment of martial law;—the sole argument in favour of these extraordinary and unconstitutional powers being that "invisible" necessity, the existence of which was discovered by Lord Castlereagh.

The resemblance between the state of Scotland in the eighteenth, and the state of Ireland in the nineteenth century, appears singularly striking; so much so, that in reading the history of Scotland in that day, we almost fancy ourselves reading the history of Ireland in this. We find complaints that no share of the colonial trade had been obtained;—that all the predictions of the migration of stock and of trade into that country had proved to be visionary;—that no new manufactures had been attracted by the cheapness of labour;—that no improvement had taken place in agriculture;—that commerce was languid, and national exertion discountenanced. An aristocratical party for upwards of forty years checked the growth of political liberty and public improvement in Scotland, in the same manner as the ascendancy party have done in Ireland; and it was not until this party was put down by the abolition of hereditary jurisdictions, that the country began to derive any advantage from its union with England. The policy of repealing the Union was in each case discussed in parliament; and in the case of Scotland all but

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carried*. The national wealth and prosperity in both countries, notwithstanding the increase of the linen manufacture in each, were for half a century, in all appearance stationary. But in 1755, the benefits of the Union began to be felt in Scotland; the situation of that country attracted the attention of the Pelham administration; the income of the forfeited estates was appropriated to objects of national improvement, and industry was promoted by every encouragement which could be bestowed. From that period, the prosperity of Scotland may be said to have commenced. In the reign of George III. the progress of industry and trade was immense;—the silk and other manufactures were introduced with great success;—improved cultivation doubled the value of the soil;—and long before the expiration of that reign, the national animosities had disappeared, and the nations had ceased to be distinguished by character, industry, or enterprise. In the case of Ireland, if similar causes were put into motion, may not a similar result be reasonably anticipated?

For nearly thirty years after the union with Ireland, the party which so long held the reins of power in this country, acted on the same principles, or want of principles, as their ancestors had done, for whose wisdom they affected great reverence. They entered into a partnership of tyranny with the taskmasters of the Irish, and ruled by and for the faction called the Protestant ascendancy. Laws which are revolting to the feelings of equity natural to mankind, cannot be more permanent than the power from which they emanate. They held out a fatally long period against the force of public opinion, but it was a "still small voice" in Parliament, and was repressed in Ireland by a large standing army, and stringent laws, enforced by a vigorous executive. Session after session, the Catholic claims were urged with the greatest ability and the most convincing force; but the eloquence of Burke, Fox, Pitt, Windham, Sheridan, Plunket and Brougham, availed as

* "In 1713 a motion was made in the House of Lords to dissolve the Union between England and Scotland; it was supported by the Whig party, and amongst others, by Lord Sunderland, one of the commissioners who had adjusted that measure. It was lost by a majority of four upon the proxies—present, 54 for, 54 against."—*(Par. History*, Vol. VI. p. 1219.)

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little as the reasoning of Locke, Hoadly, Stillingfleet, Wake, Johnston and Mackintosh. Bigotry and intolerance, deaf as well as blind, heeded not "the voice of the charmer," charming never so wisely as in the speeches of the one, and the pages of the other. Catholic Emancipation was at last conceded, to avoid the alternative of civil war. But the spirit is not dead, nor even sleepeth, which contrived and sustained the penal laws;—it still is alive and active, to vex and warp enlightened and liberal councils;—and therefore it may not be useless to survey briefly a few of the leading features of its policy in Ireland, during that period of popular struggle.

On the 13th of February 1811, Mr. Wellesley Pole addressed a circular letter to the sheriffs and chief magistrates of all the counties in Ireland, requiring them to arrest all persons guilty of publishing any notice of the appointment of any delegate to the Catholic committee in Dublin, under the provisions of the Act called the Convention Act*. This Act, passed in 1793, at a period of great irritation,—had been almost forgotten, and had been certainly obsolete since the Union. The circular created a general feeling of astonishment in the minds of all unprejudiced persons, and rather startled the intolerant party themselves. It was a most unconstitutional assumption of power by the Irish Secretary, which the Act itself only went the length of giving to a proclamation of the Lord Lieutenant in Council, and which, to shield the Chief Secretary, it was found necessary to issue in the July following. To make the matter worse, the circular did not describe the offence as it was described in the Act, while it deduced inferences from its provisions that they did not warrant. When the subject was brought before the House of Lords by Earl Stanhope, the Lord Chancellor acknowledged that "its language did appear to him put together in rather a "slovenly manner;" but here the matter dropped.

We will not dwell on the subsequent prosecution of the Catholic delegates by Mr. Saurin and the jury by whom they

* 33 George III., c. 29.

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were convicted, but come at once to Sir Robert (then Mr. Peel), who played an important part in Irish legislation, and who, like many other statesmen, made his début in the rough arena of Irish politics. He was appointed Chief Secretary for Ireland in 1814. He entered public life with a high college reputation. He was reported to have, in the course of studies sedulously pursued, made the best preparation for a life destined to be devoted to politics, and exercised his genius on all subjects within the wide range of scholarship and science. Very few men of the present day possess so large a store of political knowledge. He is endowed with most of the qualities which concur in forming an accomplished orator and a great parliamentary leader. He possesses a dignified and polished style; a clear and well modulated voice; a pure diction; great ease and fluency of expression; and a calm insinuating persuasiveness,—combined with tact, dexterity, coolness and self-possession. With all these great qualities, he rarely takes a commanding and comprehensive view of the subject of debate; and yet this does not appear to proceed from any defect of sagacity or judgment; for his perfect knowledge of the question under consideration, is clearly evinced by the dexterity with which he shuns its dangerous topics, and the ability with which he endeavours to confute an antagonist on incidental and collateral points, when he finds he cannot grapple with the leading argument. With such finesse does he manage this nice "point of fence," that he occasionally seems to inaccurate observers, who do not catch the dexterous shifting of his ground, to have obtained a victory, where he has only made a diversion. He allied himself on his entrance into political life with the aristocracy, and fought for political distinction under their banners. With them he upheld abuses by all manner of shifts and expedients—wasted days and nights that might have been nobly employed to make mankind wiser and happier, in throwing the shield of his genius over the errors and weaknesses of his party—supported intolerance—and denied Reform. He is distinguished for more moderation than is generally found amongst the persons with whom he acts; but his advocacy of a narrow system of vicious policy is not less dangerous, because

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it is clothed in a quiet garb of disinterested zeal; his defence of illiberal measures not less decided, because it is urged in a tone the most temperate, dignified and polished. His consummate ability and great resources are undoubted, and were never more prominently displayed, than during the period of his short-lived administration. The difficulties he had then to encounter, which would have overwhelmed an ordinary man, only brought out into stronger relief the various powers of his mind. No minister had ever been worse seconded by his coadjutors in the House of Commons. Forced to take upon himself the introduction and support of measures purporting to be founded on the spirit and on the principles of the Reform Bill, which he had so strenuously opposed; — to delineate and explain, as well as to defend them against the assaults of a strongly excited and vigorous opposition; — to carry on almost single-handed an offensive and defensive war against a host, assailing him from the vantage ground of public opinion;—to be at once the spear and shield of the administration; he proved himself equal to the emergency, and came out of the difficult position in which he was placed, with a higher reputation than he entered it. His sincerity has been questioned where his talents have been acknowledged, and for the very reason that his narrow politics appear incompatible with the grasp of his mind. His speeches would lead to the supposition that he was more studious of introducing his arguments in the most plausible form, than impressed with a conviction of their truth; and when he indulges, as he often does, in specious generalities, it would appear that he did so, not from any want of conviction of the value of precision, but because he supported measures in which his own judgment did not fully concur;—that, in fine, he knows better than he ventures to act. Can we account for this apparent discrepancy, otherwise than by supposing that he prefers to do violence to his judgment, rather than to his political attachments, and that he feels in politics, as is experienced in religion, a reluctance to desert a party that has been proscribed?

The first important measures introduced by Mr. Peel after his appointment of Irish Chief Secretary gave a foretaste of

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the policy which was to characterise his Irish administration. On the 23rd June 1814, he introduced a bill enabling the Lord Lieutenant to proclaim a district to be in a state of disturbance, and to appoint for such district a stipendiary magistrate and a corps of special constables, to assist the ordinary police force; the expenses of this establishment to be defrayed by the inhabitants*.

But this was only the prelude to another measure of a more vigorous nature, known by the name of the Insurrection Act. It had been last prescribed by the Duke of Wellington (then Sir Arthur Wellesley), in 1807, as a cure for Irish grievances, by way of varying the strong doses of martial law and suspension of the Habeas Corpus Act, administered by his predecessors. It empowered the Lord-Lieutenant and Council on the report of seven magistrates that a district was disturbed, to issue a proclamation commanding all residents in such district, to keep within their houses from sunset to sunrise; enabled two magistrates to sentence to seven years' transportation any persons detected abroad at the prohibited hours;—to dispense with trial by jury, at their discretion,—to pay domiciliary visits, and to force open doors if denied admission. This measure, which was a complete suspension of the constitution, could only be justified when applied to a country in an actual state of rebellion. But so far was this from having been the state of Ireland at the period of the exhumation of this monstrous Act by Mr. Peel, that one of the judges of assize† who possessed a judicial experience of sixteen circuits, stated in his charge to the grand jury at the summer assizes in Wexford, in 1814, "that that county, described to be in the most alarming state "of disturbance, was in a state of profound tranquillity‡," and

* A chief magistrate was to be appointed at a salary of 700*l.* a-year; he was also to have a house and offices. His clerk was to get a salary of 150*l.* a-year, and the constables 100*l.* a-year each. Any seven magistrates might get all this done.

† See Judge Fletcher's charge to the Grand Jury, at the summer assizes of Wexford, in 1814.

‡ "I have seen," continued he, "in the Courier Newspaper the following paragraph:—'Such is the disturbed state of Ireland, that one of the Judges of assize, Mr. Justice Fletcher, on coming from Kilkenny to Clonmell, was

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that he never discovered any serious purpose or settled scheme of assailing His Majesty's Government in Ireland. He further stated the effect of those measures of Mr. Peel,—his experience of the practical operation of the Insurrection Act*, and that the powers under it might be entrusted to a "race of men that "ought never to have borne the King's Commission†." He explained the deep-rooted and neglected causes of the evils that did exist, and suggested the remedy for their removal, which he declared to consist "not in acts of Parliament framed for "coercing and punishing,"—not "in banishment, the rope "and the gibbet, which had been frequently employed and had "proved ineffectual," but in removing the grounds of distress, and in an equal and impartial administration of justice.

To the ascendancy party Mr. Peel devoted himself during the entire period that he held office in Ireland, and the whole course of his policy was distinguished by his protection of that favored caste. When the Bill for the renewal of the Insurrection Act was in committee in the House of Commons in 1814, he took occasion to avow his protection of the Orangemen. He stated that "Orange Societies had existed in Ireland for twenty "years"—that "they were grossly calumniated,"—that "their "only fault was an exuberance of loyalty."—What said Mr. Jus-

pelted by stones, in the town of Callan, and owed his safety to the dragoons that escorted him.' When we drove through Callan, a boy of seven years of age flung a stone idly either at the sub-Sheriff or at the dragoons or both—this was the entire outrage."—*Judge Fletcher's Charge.*

* "I have seen times when persons, who, thinking the lives named in their tenants' leases were lasting somewhat long, have by the aid of such a law found means to recommend a trip across the Atlantic to the persons thus unseasonably attached to life, and thus achieved the downfall of a beneficial lease, and a comfortable rise of their income in consequence. Such things have occurred. I have known the fact."—*Idem.*

† "Of these (the magistrates), I must say some are over-zealous, others too supine; distracted into parties they are too often governed by their private passions, to the disgrace of public justice and the frequent disturbance of the country.

"Committals have been too frequently made out upon light and trivial grounds without reflecting upon the evil consequence of arresting a peasant (probably innocent), from the bosom of his family, immuring him for weeks and months in a noisome gaol amongst vicious companions. He is afterwards acquitted or not prosecuted, and returns a lost man in health and morals to his ruined and beggared family. This is a hideous but a common picture."—*Idem.*.

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tice Fletcher at the same period in Ireland, who spoke not from the interested representation made at the castle, but from his own judicial experience,—from facts that occurred under his own eye? "I have found," said he, "that those societies called "Orange Societies, have produced most mischievous effects, and "particularly in the north of Ireland. They poison the very "fountain of justice; and even some of the magistrates under "their influence have in too many instances violated their duty "and their oaths. There" (in the North), "those disturbers "of the peace who assume the name of Orange Yeomen, fre- "quent the fairs and markets with arms in their hands under "the pretence of self-defence, or of protecting the public peace, "but with the lurking view of inviting attacks from the Rib- "bonmen, confident that armed as they are, they must overcome "defenceless opponents, and put them down. Murders have "been repeatedly perpetrated upon such occasions, and al- "though legal prosecutions have ensued, yet such has been "the baneful consequences of those factious associations, that "under their influence petty juries have declined (upon some "occasions) to do their duty. These facts have fallen under "my own view." Mr. Solicitor-General Bushe gave a most emphatic proof of his conviction of the evil consequences of these associations in the case of an Orange murder committed in the county of Down, and tried before him as acting judge. He observed on receiving the verdict of the jury, "*Gentlemen, "this is your verdict—thank God, it is not mine.*" Such are the recorded opinions of two judges holding the King's commission; and yet in the teeth of this evidence, which was surely worthy of credit, we find Sir Robert Peel on the 4th of July, 1815, speaking and voting against Sir Henry Parnell's motion for a commission to inquire into the proceedings of the Orange Societies in the north of Ireland.

Another important feature of Sir Robert Peel's Irish Administration was his decided and unqualified opposition to the concession of the Catholic claims, which continued after he had a seat in the Cabinet; this however he afterwards redeemed by the measure of Emancipation.

During the debate on the motion for a Repeal of the Union on the 25th of April 1834, Sir Robert Peel declared "that

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" misgovernment was the hard condition twin born with a " separate legislature, and constituted the vindication of the " Union," and that " while there existed a separate legislature " England had no alternative but to rule by party, and by " the divisions which such a rule must generate, but since " the Union she has been enabled to adopt, and has adopted " another system. *She has refused to be a partisan.*" His own Irish administration was a sad commentary on this text. If preferring the interests of the few to the interests of the many,—if upholding the usurpations of an intolerant oligarchy, which filled the ranks of the magistracy, the seats on the judicial bench, and monopolized all places of trust and profit in the country,—if making this party, which had so strong an interest in corruption, the organs and dispensers of the extensive and unconstitutional powers conferred by arbitrary laws,—if depriving talents of their just reward because they were exercised by a member, or in support of a party holding unpalatable opinions,—if refusing to millions of people their rights of citizenship and almost a political existence,—if, in fine, conferring power on one party and continuing slavery to another be partisanship and misgovernment, then Sir Robert Peel's practice and his theory are directly opposed to each other.

Without intending it, however, he evoked the spirit to which he was afterwards obliged to yield, and his measures had the effect of speeding onward the advances to light and freedom. By small concessions or seductive promises, he might have lulled the Roman Catholics into quiet, and postponed the day of their liberty. But by a refusal of all concession, he united them the more closely together — gave increased popularity to their assemblies where they met, " con- " ferre injurias et interpretando accendere*," where the people were taught the principles of freedom, a knowledge of which is incompatible with slavery, where their fervour was increased, their force concentrated, and the enthusiastic spirit of resistance aroused by the most extraordinary man of his time, formed as it were for the crisis, professing the religion of the people, and equally qualified by his passions and his

* *Tacitus.*

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talents, his weakness, and his strength to rule in Ireland, "the wilderness of free minds."

When the Duke of Wellington and Sir Robert Peel yielded to necessity the measure of emancipation, which they had denied to justice, they taught Ireland a lesson of agitation, which she put into immediate practice, and continues to use with increasing energy and dangerous efficiency to this hour. The most stirring question that could address itself to the national passions, a repeal of the union, with all its associations of domestic independence, was put forward. At this crisis, Mr. Stanley was appointed chief secretary for Ireland. He had filled for a short time some subordinate office in the colonial department, most likely as a preparatory exercise for official business, and gave proof thus early of qualities which he has since more prominently displayed—diligence, dispatch, a promptitude of decision, all but precipitate, and a fearless self-reliance, all but rash. He appeared to enter upon the duties of his office, as much from a love of labour, as from political ambition, or a desire of fame; it was remarked by all persons who approached him during his official career, that when the data for forming an opinion were placed before him, he saw their effect at a glance, however complicated or minute; and his conclusions were generally as just as they were rapid. It has been charged as a fault upon his practice as a minister, or in the constitution of his mind, that he applied himself overmuch to details, and would examine with his own eye the most minute points. Attention to particulars was not a fault but an advantage, to one whose conclusions were so decisive, and those who imagine this habit of mind is inconsistent with general principles and comprehensive views, fall into a great error. Few men have been known to attain the exercise and the reputation of accomplished and superior talents in debate within so short a period. He manifested at the very outset, not only the prompt facilities, but the severe taste of a master of the art. The ambitious ornaments of rhetoric, the flights of imagination, and affectation of the figurative,—that false brilliant, which is so alluring to youthful orators, never for an instant dazzled the ill-judging, or offended the judicious, in his speeches. The vigour of his mind was only the more advantageously exhibited, from the unadorned simplicity of his language. His speeches

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on subjects on which he might naturally be supposed to come to the House prepared, have the air of being unpremeditated, while those produced at the call of the moment, from the felicity and force of his diction, and his instinctive facility of method and order in his topics and arguments, have the appearance of elaborate composition. As an opponent, he is formidable and vigilant, quick to observe and dexterous to profit by an advantage: no one follows up success with more pitiless force, or embarrasses more effectually where he cannot distinctly refute; at the same time his oratory, like his character, is wholly free from the disingenuous and petty. He does not bring to his aid the graces of literature, or the more popular endowments of wit and pleasantry, but his reading is manifest wherever it is necessary to cite the events of history or the authority of the wise, and there is no one whose derision and sarcasm are at once more withering and polite. He does not affect the forms of logic, but has that better and less palpable art of reasoning which is called dialecticks, and exercises it with vigour and adroitness. It may be added, as action is an essential accomplishment in an orator, that his attitude is manly, free and apparently unstudied or unthought of, his gestures impressive and graceful without art.

Mr. Stanley was the first Irish secretary who was not a partisan. He was determined to govern Ireland, and to secure the happiness and welfare of the people on the basis of equal and just laws. It is a saying of Sully, "pour "la populace ce n'est jamais par envie d'attaquer qu'elle se "soulève mais par impatience de souffrir;" a like sentiment is expressed by Burke in his pamphlet entitled Thoughts on the Causes of the present Discontents, published in 1770. "When," says he, "popular discontents have been prevalent, "it may be well affirmed and supported, that there has been "generally something found amiss with the constitution, or "in the conduct of government; the people have no interest "in disorder; when they do wrong it is their error, not their "crime; but with the governing part of the state it is far "otherwise." To Mr. Stanley's mind, it was sufficiently clear, that the disturbances so long prevalent in Ireland, which had been occasionally suppressed but never subdued,

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were certain indications of a disease which had become chronic in the constitution, and that they had their root in legislative and administrative obliquity. He determined on a complete change of system, but it was not an easy task to remedy the evils of seven centuries of misgovernment. A powerful, though numerically inferior party in Ireland had the possession of almost all offices of trust and profit in that country, which they seemed to consider vested in them as of right, on the plea of length of possession. They were impressed with the opinion, that the franchise and privileges conferred by the state, were for their exclusive benefit, and that the people had nothing to do with the laws but to obey them. All efforts of the masses for a participation in civil rights, they loudly proclaimed to be the outpouring of a revolutionary spirit, which it was essential for the public peace to subdue, just as the Ultra-Tory party in this country termed all established abuses, the British constitution, and raised the cry of sacrilege against the rash hands that approached it. On the other hand, the popular party was in a state of the greatest political ferment, the progressive advantages which the people had gained in a protracted struggle with their opponents, had generated a national taste for debate and a disposition for political movement; both parties were arrayed in the political arena, the one to defend, the other to assail, the system of legislation which had been pursued towards Ireland, with passions as fiercely excited as their dearest interests were deeply involved in the contest. This was a state of affairs to try the nerves and test the wisdom of the Irish secretary; he took the resolution to repress, with a strong hand, popular violence, and to employ the most speedy and efficacious measures to loosen the tenacious grasp of monopoly. But the repression of tumult required to be immediate, while the improvement of the institutions of the country was necessarily a slower process. While he took prompt measures for attaining the one object, the people were unhappily taught to suspect his zeal for the other. Unfortunately for the country, Mr. Stanley's personal collision with the great popular leader, estranged from him the sympathy of the people, so essential to the promotion of the objects he had in view, and was the cause that

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his measures for the amelioration of Ireland were not attended with the popularity and success they merited*.

The Reform Bill was introduced immediately after Mr. Stanley's appointment to the Irish office. The change effected by that measure in Ireland was a sweeping one. The boroughs, the stronghold of the Protestant ascendancy, were thrown open, the influence of their former patrons was totally annihilated, additional members were given to the country, and a new and numerous class of voters were enfranchised. A board of works, at the head of which was placed an officer of high character and great professional acquirements, was established in Dublin, and a permanent fund of 500,000*l.*, to be advanced for national improvement, placed at their disposal. Districts of country hitherto inaccessible, were opened by means of new roads, and civilisation thus materially accelerated. An end was put to the annual processions of the Orangemen in Ireland; these armed confederacies, bound together by a secret oath, constantly provoked breaches of the peace, which often terminated in loss of life, produced counter associations, equally violent and illegal, tainted the administration of justice, biassed the minds of jurors, and alienated the bulk of the population from a government by which they had hitherto been protected. A stop was put by Mr. Stanley to the system of packing juries; he took effectual means to secure for the people equal and impartial justice, by depriving the sheriffs of the unconstitutional

* Of Lord Stanley, in the more private relations, this is not the place to speak, but the following testimony (by a political opponent) to his character as an Irish landlord, is at once so just to his lordship, and so creditable to the writer, that we cannot deny ourselves the satisfaction of adding by the amount of our circulation, to that which it receives in the pages of the Dublin Review. Our readers do not require to be reminded that Mr. O'Connell is announced in the advertisement, as one of the Editors of that periodical.

"Lord Stanley, whose example as a landlord we earnestly commend to the "imitation of those who admire his more flashy qualities, is, we believe, a sincere "advocate for a poor law. We know not if he would go further than the commissioners: but we should expect, from the very judicious and praiseworthy "management of his property in Tipperary, that he would, upon this question, "take a manly and decided course; and, indeed, we shall be greatly disappointed "if he does not. With respect to his treatment of his Irish tenantry, he has "always been consistent, generous and wise."

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power they had hitherto exercised over the panel, and secured a fair jury for the trial of all issues—by providing that jurors should thenceforth be drawn by lot. He made arrangements by which the annual parliamentary grant for education was rendered available to the Roman Catholics. The Kildare Street Society, to which the administration of this fund had been entrusted, had fallen under the suspicion of employing the funds under their management for the purposes of proselytism, and one of the regulations which the society had adopted, was denounced by the Catholic clergy. Whether this suspicion was well or ill founded, its effect was to prevent the mass of the population from partaking of the parliamentary grant. Successive previous administrations had been daily importuned to alter this objectionable system; but it was reserved to Mr. Stanley to introduce a national plan of education. A board of instruction was appointed, composed partly of Protestants and partly of Catholics, to whom the management of the parliamentary grant was entrusted, and who have administered it on principles which render it equally available to all sects*.—He reduced the Protestant hierarchy to dimensions more in accordance with the number of their persuasion. The measures he carried through parliament for fixing the amount of tithe, to be thereafter payable in Ireland, were most salutary as preliminary to the final adjustment of that important and difficult question. Under his auspices was the severity of the White-boy code mitigated, and by his desire was the survey of the Shannon undertaken, with a view of giving to Ireland the advantage of the navigation of that splendid river, flowing through the centre of Ireland, and bordering on ten counties. It is much to be lamented that the policy, commenced by Mr. Stanley, in respect to the Shannon, has not been followed up with the vigour which the great importance of the subject demanded from the present government. The sum of 153,000*l.* only was required, according to Mr. Rhodes' estimate, to render this noble river available for inland transport. The Chancellor of the Exchequer, although strongly pressed on the subject by some of the Irish members, promising much, and professing great anxiety on the subject,

* Under it there are now upwards of 170,000 children receiving the benefits of a virtuous education.

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has still managed to avoid the introduction of this or any other sum for such purpose, into the estimates*. The grand jury system, the necessity for the amendment of which had been urged on preceding administrations, occupied the attention of Mr. Stanley, and a measure was prepared by him, which restricted within juster limits the powers of grand jurors, by giving to the cess-payers a voice in the approval of works to be executed at the public expense, and appointed responsible persons to watch over their efficient execution. Such is a brief abstract of the principal measures which Ireland owes to Mr. Stanley. Unhappy Ireland! alas, for thy untoward fate, which forbids thee to extend thy gratitude, or even thy praise, for consistency, generosity and wisdom, to the ablest, the honestest, the only really well-intentioned minister, that for centuries had visited thy shores!

Mr. Stanley was succeeded by Sir John Hobhouse, who having lost his election for Westminster, was almost immediately replaced by Mr. Littleton. During the short-lived administration of Sir Robert Peel, Sir Henry Hardinge became for the second time chief secretary. He was succeeded by Lord Morpeth, an appointment which was received with satisfaction, as he was personally popular with the liberal party. During these administrations no measure of any importance has passed affecting Ireland. Each of the three last chief secretaries has produced a measure of Irish church reform, all of which have proved equally unsuccessful. Ireland has been the ground selected to fight the great battles of party in the House of Commons, where victory appears to be more the object of

* The reader will be struck with the want of attention to Irish interests evinced by Parliament in contrasting parliamentary grants since the Union for this most important object, with those for a similar purpose in Scotland and Canada.

VOTED FOR

	£.		£.	s.
Shannon in 1818	15,000	Caledonian Canal since 1803	953,638	2
„ 1819	4,000	Rideau and Ottawa Canals from 1826 to 1834 inclusive	977,300	0
„ 1830	2,023			
Shannon Navigation . .	£.21,023	Scotch & Canada Navigation	£.1,930,938	2

See *Parliamentary Returns*, No. 599; ordered to be printed, 11th of August, 1834.

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the contending parties in the state than the peace and welfare of that ill-starred country, whose legislative wrongs seem destined to remain unredressed during the conflict.

In the address to the king, carried through both Houses of Parliament in 1834 by large majorities, on an amendment to Mr. O'Connell's motion for a select committee to consider of the repeal of the Union, we find the following words: — "In expressing to your Majesty our "resolution to maintain the legislative union inviolate, we "humbly beg to assure your Majesty that we shall persevere "in applying our best attention to the removal of all just "causes of complaint, and to the promotion of all well consi- "dered measures of improvement." The king ratified this pledge by his answer which was an "echo of the address." Here then is a compact of the King, Lords and Commons with the Irish people, solemnly and deliberately entered into, which it would not only be a national disgrace but a national crime to infringe. It is not like the mere promise of a minister, or the protestations of a government which have been often before made to Ireland—sometimes without the power—more frequently without the will to perform;—but the answer of the entire legislative body, which was as formal and ought to be as binding as a statute, to the demand for a repeal of the union. In this answer an admission is clearly implied that the union could not be tolerated and ought not to be maintained, unless on the condition that abuses should be reformed. We shall from time to time enter into a detail of the *just causes of complaint* which the legislature is solemnly bound to remove, and the *measures* of *improvement* they are pledged to promote. We fear that something more than the knowledge of the one and the other is necessary to this most desirable consummation. The withholding church reform, and the denying to the Irish people an equal share with their English fellow-subjects in the system of local government so beneficially adopted in this country and in Scotland, augurs ill for the inviolability of the national pledge. That opposite views should be entertained as to the expediency of these measures can only be accounted for by the assertion of Hobbes that "if any interest or passion were "concerned in disputing the theorems of geometry different "opinions would be maintained regarding them."

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The mode of settlement of the church question, however clear the necessity of a settlement may be, is one of great difficulty. We must remember that it may be urged and has been urged, with great effect, on the persons on whose concurrence any mode of settlement must depend for its success—the Catholics of Ireland,—that the authority of a church establishment is, according to Paley and reason, *founded on its utility*—that in this country it does not teach, but on the contrary is opposed to the spiritual doctrines of the great bulk of the community—that it is not reverenced by, but is in constant collision with the people—that it is known to them not as a "refuge for the weary and heavy laden," but as a fruitful source of exaction and penalty. It has been remarked by Bacon, "that men should live of the flock "they do not feed, or of the altar at which they do "not serve, is a thing that can hardly receive just defence." When such a theory could not be defended in his day, how can it be enforced in ours? When the people were enslaved, such a system might have been upheld by the strong hand of power, but it was virtually at an end the moment the Roman Catholic was enfranchised, for it is incompatible with the rights of freemen. To argue the question as to whether laws and institutions should be adapted to the character and feelings of the people, is wretched imbecility; we might as well discuss the point whether a government should exist. If a church were now to be established in Ireland, not even the most strenuous supporter of Protestantism would venture the proposition that the religion of a small minority ought to be selected for that purpose; but as we find an establishment already existing there, let it at least be proportioned to the religious wants of the Protestant community, and rendered as little as possible obnoxious to the bulk of the people: let the anomaly be restrained within reasonable limits, and let not the people who receive no benefit from it be taxed for its support: let the payment be transferred from the Catholic tenantry to the Protestant landlord.

We have already referred to Scotland, whose history is so pregnant with instruction to the Irish politician. She, like Ireland, had her religious persecutions. Her Drumclog and Bothwell Brigg could tell a tale as dismal as Rathcormac and

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Newtown-barry. She had her Protestant church establishment supported by bayonets—which made

"Much work for tears in many a *Scottish* mother."

If there were a tongue in every wound that has been inflicted to support an ecclesiastical system at war with the feelings of the people—if the gibbet could deliver up the victims goaded into lawless violence in the contest, what a frightful host of witnesses would be sent forth to prove the impotence of government to compel a people by law to support the ministers of a church to which they do not belong. The great redresser of Scottish grievances was the Act for the abolition of prelacy, passed on the 22nd of July, 1689. The talismanic lines under the influence of which the first step was made to convert a convulsed into a contented country, were these:—"The King and Queen's Majesties do declare that "they will settle that church government in this kingdom, "which is most agreeable to the inclinations of the people."

When religious jealousy and sectarian animosity shall have been abolished in Ireland—when the country shall be restored to peace by a settlement of the church question, and by giving the people an equal share in municipal rights with their English fellow subjects—when, in fine, Ireland shall be admitted within the shelter and protection of the British constitution, we may hope for equal results there—*but not until then.* We have information, amounting to repletion, on the state of Ireland. Sixty reports of select committees and one hundred and fourteen reports from commissioners, have been elaborated since the Union, on the state of the poor,—education—bogs—inland navigation—grand juries—local taxation—roads and bridges—vagrants—corporations—tithes—insurrections—inquests on her inanimate condition are renewed from year to year—some bring in their verdict of "death" by "the visitation of God"—others of "felo de se;" but the hope of any good resulting from such inquiries is vain, so long as the tithe system—engendering perpetual outrage and strife, and opposing an insurmountable barrier to social happiness and civilisation, shall remain unsettled.

The principle of Lord Grey's government in relation to the Irish Church, is stated in the following extract from a speech of Lord Althorpe. "Most undoubtedly, the government does think,

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" and I am prepared to say, looking at the question as a " member myself of the Protestant church, that it would be " most advantageous to the Protestant religion in both parts of " the empire, not to continue in Ireland that state of things " which is consequent upon the present distribution of church " property in that country. It is impossible for any man " who looks with reasonable feelings upon the present system " of distribution, not to say that so large an appropriation " of church property, for administering to the spiritual wants " of so comparatively few, is calculated to diminish instead " of increasing the number of Protestants in that part of " the realm, because it is manifest, that dissatisfaction among " the other sects must be inevitable. With respect to the " right of interference, I cannot conceive on what grounds " honourable gentlemen, who are opposed to the government " on this occasion, but who have conceded the right of Parlia- " ment to deprive one corporation of a portion of its pro- " perty to confer it upon another, should urge that the " legislature has no right to apply the church revenues to " other purposes,—I mean moral and religious purposes*."

In the days of Mirabeau, the question whether church property might be converted by the state to secular purposes, reserving to the clergy a sufficient income, was discussed with great ability. One of the most plausible arguments against this proposition was, that church property consisted in a great degree of the bequests of pious persons, whose intentions in making this bequest the laws were bound to respect. This argument, however cogent it may have seemed when used in the French National Assembly, cannot be urged by the supporters of the inviolability of church property in these kingdoms; if we go back to the donors, we come, in most instances, to Roman Catholics, to whom nearly the whole of the church endowments may be traced.

The establishment of tithes is, we believe, justly attributed to Charlemagne. Finding that ecclesiastical property had been confiscated during the civil wars†, in the time

* Mirror of Parliament, September 1834, p. 2387.

† Life of St. Remy, Sarius, Tom. I. p. 279.

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of Charles Martel, he established this mode of supporting the clergy and sustaining the church. It has been endeavoured to fix for tithes an earlier origin, on the authority of the constitution of Clotaire*, and the second council of Macon†. The former, however, merely exempted the church from the payment of tithe on hogs sent into the king's forests to feed, which was not an *ecclesiastical* but a *seignorial* right‡, and the statement in the latter that tithes were an ancient payment could only refer to their Jewish origin. We find by one of the capitularies of Charlemagne§, that he subjected his own property to the payment of tithes; but his example was not sufficient to render this payment popular, which was long afterwards disputed or evaded‖. Superstition had a more powerful effect in establishing them than the force of example, or of civil and ecclesiastical laws. The synod of Frankfort¶ published a capitulary in which a famine that had prevailed the preceding year was attributed to the impiety of the people in withholding the tithes from the church; it was alleged that the ears of corn had been devoured by demons, and that voices had been heard uttering reproaches against the defaulters**; all persons were exhorted to pay to the church its dues, in order to avoid a similar calamity in future. The people at length consented to the payment of tithes *on condition that they should be permitted to redeem them*, but this was prohibited by the constitution of Louis le Debonaire††, and that of his son the Emperor Lothaire‡‡. Charlemagne made a division of tithes into four

* Edition of the Capitularies of Baluze, Vol I., Art. ii., p. 9.

† Canones V. ex tomo I. Conciliorum Antiquorum Galliæ, Opera Jacobi Sermundi.

‡ Agraria et pascuaria, vel decimas porcorum, ecclesiæ concedimus; ita ut actor aut decimator in rebus ecclesiæ nullus accedat. Capitulary of Charlemagne, Year 800, edition of Baluze, p. 336.

§ Capitulary of Willis, Art. vi., edition of Baluze, p. 382.

‖ Vide Capitulary of Louis le Debonaire, edition of Baluze, p. 663, against those who forbore to cultivate their lands, in order to avoid the payment of tithes.

¶ Held under Charlemagne in the year 794.

** Experimento enim didicimus in anno quô illa valida fames irrepsit, ebullire vacuas annonas à dæmonibus devoratas, et voces exprobationis auditas, &c. edition Baluze, Art. xxiii., p. 267.

†† In Baluze, Vol. I., Art. vii., p. 663.

‡‡ Law of the Lombards, Book III., tit. iii., s. 8.

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parts; for the building of churches, the poor, the bishops, and the inferior clergy*.

We find, therefore, that church property, whether we view it in the light of bequests or tithes, is not now appropriated in accordance with the pious views of the donors of the one, or the wise regulations of the founders of the other. The argument, therefore, of its inviolability falls to the ground; and this argument, even if it were well founded, would ill deserve consideration in these enlightened times. It was of pagan origin, the natural offspring of superstition, and was engrafted on the church by the early fathers in barbarous ages, in order to gain from superstition a security for church property, more stringent upon our rude forefathers than either reason or law. In one of the orations of Cicero, we find him endeavouring to get back from the Augurs a house of his which had been dedicated by Clodius as a temple to Liberty, and combating with the weapons of reason the argument of superstition, that property, however unjustly acquired, should not be secularised when once dedicated to the gods. The best argument for the supporters of the temporalities of the church, is to be drawn from the Statute Book; —the best title of the clergy to their incomes is derived from the state. It was said by Mirabeau of the French clergy, "Ils sont "salariés, ou mendiens, ou voleurs." Tithes are a salary to the clergy from the state for the performance of certain duties; and that which the state gave it can properly take away, if the object for which it was given appears no longer to require it;—nay, it is not only the right, but also the duty of the state to regulate the salaries of its servants according to their labours. If the state have the right to resume that salary, it has also the right to diminish it; if it can resume the whole, it may justly resume a part.

But let us see what has been the practice of states in reference to church property, for precedent has more weight with some men than argument. We need not go to the republic of the United Provinces, or to the States of Germany for examples of secularisation; but confine ourselves to our own kingdom and its dependencies. At the Reformation, Henry VIII. freely

* *Idem*, s. 4.

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converted a portion of the church property to secular uses, and these not of the most justifiable kind: he largely appropriated it to himself and distributed it to his favourites. But, again, for those who attribute this resumption of church property to the lawless violence of Henry, and protest against the practice of barbarous times being drawn into a precedent, there is the later case of Scotland, where, on the abolition of episcopacy, the church revenues vested in the king, and a portion of them only was devoted to the new establishment. If we look to Canada, we find a precedent which ought to be more startling still to those who are alarmed when it is proposed to devote any portion of the church property to purposes from which the Roman Catholics in Ireland may derive advantage. By an Act of the British Parliament*, intituled "An Act for the more effectual provision for the government "of the Province of Quebec in North America," it is provided— "that the clergy of the Roman Catholic church may hold, re- "ceive and enjoy their accustomed dues and rights, with respect "to such persons only as shall profess the Roman Catholic "religion; provided that out of the rest of such dues and "rights, such provision shall be made for the maintenance "and support of a Protestant clergy, within the said province, "as His Majesty shall think expedient."

The attempt to maintain the existing system in Ireland has produced great suffering and violence, and has brought religion itself into disrepute, by confounding its mild precepts with the violent assertion of unjust demands. Such a system is incompatible with the existence of a free and paternal government. The end for which government exists is not to promote the ascendancy of a sect or a party, but for the common good of the entire people; it ought to have no other object,—and ought not to be tolerated if it had—than that of rendering men better and happier, of securing to them the full and free enjoyment of their property and civil rights. A government having no object but the general good,—dispensing equal and impartial justice, and having its foundations deep in the affections of the people, is permanent as the great principles on which it is based. But a government which

* 14 Geo. III., c. 83, s. 5 and 6.

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rules by and for a party—which is supported by violence and maintained by fear—can not co-exist with freedom. When the Tories ruled in Ireland it was a part of the prevailing system to maintain the church of the minority at the expense of the entire community; the system of injustice was perfect and homogeneous—for to oblige the bulk of the people to support a church with which they had no communion was not more unreasonable than to force them to maintain a government in which they had no part. But the Catholics have been emancipated—the Tory rule has passed away; religious persecution, and the outrages on humanity by which it was accompanied, are now mere matter of history. The compulsory support of the established church by a dissenting community, the last relic of the penal code, cannot long outlive the power which created and enforced it. Tithes have been the fruitful source of discord in Ireland from a very early period,—discontent produced by their collection has gone on increasing until it has at length reached a point of resistance which threatens to reduce society into its original elements. The time has now arrived when the security of every other description of property demands a settlement of this momentous question.

The affinity between the working of municipal corporations in Ireland, and the system of religious distinction which characterised the government for so long a period, is shortly exemplified in the following observations contained in the report of the commissioners appointed to inquire into the existing state of those bodies. "The laws which for "a series of years operated to exclude those professing the "Roman Catholic religion from corporations were repealed in "the year 1793 by the statute 33 George III, c. 21; but the "Roman Catholics have derived little practical advantage "from the change. In the close boroughs they are almost "universally excluded from all corporate privileges. In the "more considerable towns they have been rarely admitted "even as freemen, and with few exceptions, they are altogether "excluded from the governing bodies. In some, and amongst "these is the most important corporation in Ireland—that of "Dublin,—their admission is still resisted on avowed principles "of sectarian distinction. Even in those corporations where

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" rights of freedom are acknowledged and conceded, the long " operation of the penal code having prevented the acquisition " of freedom by the immediate ancestors of the present Roman " Catholic population, very few have been enabled since its repeal " to establish the requisite titles."—The report goes on to state that—" previously to the relaxation of the penal code the num- " ber of opulent Roman Catholics residing in the corporate " cities and towns was necessarily limited. But since those " changes in the laws which have enabled them to share in the " general diffusion of wealth and in the benefits of unrestricted " industry, they have risen and multiplied in the middle and " upper classes, so that in most of the cities and towns they " constitute not only a large majority of the whole popula- " tion but a large proportion of the more opulent orders. We " feel bound to submit to your Majesty that a system of mu- " nicipal polity which excludes such a class of your Majesty's " subjects from substantial corporate privilege and power must " be essentially defective in its structure; it fails to secure " to the different classes of the local community participation " in the regulation of their own concerns, and it operates far " more widely and more mischievously than by the mere denial " of equal privilege to persons possessing perfect equality of " civil worth; for in places where the great mass of the popula- " tion is Roman Catholic, and persons of that persuasion are, " for all efficient purposes excluded from corporate privileges, " the necessary result is that the municipal magistracy belongs " entirely to the other religious persuasion, and the dispensa- " tion of local justice, and the selection of juries, being com- " mitted to the members of one class exclusively, it is not sur- " prising that such administration of the laws should be " regarded with distrust and suspicion by the other and more " numerous body. The unpopular character of the municipal " bodies is thus, in too many cases aggravated by their being " considered inimical on the ground of sectarian feelings to a " great majority of the resident population, and they become " instrumental to the continuance of the unhappy dissensions " which it has *so long been* the policy of the legislature to " allay ! !" We need not remark on the obvious anachronism contained in the last line. By "*so long*" the commissioners can only mean "*a few years.*" They conclude their report

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by stating—"That the early and effectual correction of existing evils, and the prevention of future mischief, are "anxiously desired and essentially requisite; and that these "benefits can be attained only by means of a general and "complete reform of the constitution of the municipal corporations in Ireland." It is proved by the evidence taken before the commissioners that the corruption of these institutions in Ireland far exceeded that of the English corporations. The population of the existing boroughs is estimated at 900,000, and the body of corporators, directing the local affairs of that large constituency, is stated to consist of 13,000 persons.

In Limerick 271 members of the corporation elect the body that regulate the municipal affairs of 66,000 persons; they dispose of all the property belonging to the corporate body; select the magistrates, sheriffs, and thus a self-elected body of a sectarian and exclusive character exercises an unconstitutional influence over the administration of justice affecting a large community, and possesses an uncontrolled and irresponsible power over their corporate funds. It is not in human nature that irresponsible power should not be abused, and we accordingly find it produce an abundant harvest of the most profligate corruption in Ireland—a soil which has proved so prolific in abuses. The case of the corporation of Cashel, stated by Mr. (now Mr. Justice) Perrin, in introducing the Irish Corporation Bill in the House of Commons*, is one example amongst many, of the working of the system. The corporation of Cashel is stated by its charter to consist of the "mayor, aldermen, bailiffs, citizens and "commons." The town is stated in the report referred to, to be without water—it is not lighted—the streets are dirty and in want of repair. The corporation has lands consisting of 2024 acres, worth £1 per acre; but the whole is let at a rent of £219 a-year. The governing body consisted of sixteen aldermen, all of the family of the patron of the borough†. In

* Mirror of Parliament, July 31, 1835.

† The mayor was son-in-law of the patron of the borough; the second alderman, brother of the patron; third alderman son of the patron; fourth alderman ditto; fifth alderman, son-in-law of the patron; sixth alderman, ditto; seventh alderman, grandson of the patron; eighth, a nephew of the patron; ninth

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1829, the mayor of Cashel, the son of the patron, and the board of aldermen, granted to the patron a lease of 1500 acres of the lands, held in trust by the "mayor, aldermen, bailiffs, "citizens and commons" of Cashel, for the use of the borough, for a term of ninety-nine years, without any fine, at a rent of 86*l.* a-year, This lease was calculated to be worth between 15,000*l.* and 17,000*l.* ! ! !

While parliament has made municipal institutions in England and Scotland what they ought to be—valuable instruments for securing and extending the regular and pure administration of justice—and for promoting the maintenance of public order and the contentment of the population—Ireland is suffered to remain in the state which has been described by the commissioners. Sir Robert Peel and his party fully admitted, in the case of England and Scotland, that a "good system of municipal "government was of the utmost importance to the well being "of society*:" but they deny this principle when it is to be applied to Ireland. In Ireland the conservative party cease to be conservatives and become *destructives*. They appropriate the principle for which they cry out against their opponents—"violence to destroy and unskilfulness to reconstruct" —a tendency to overthrow the institutions of the country rather than to improve them. They do not wait to inquire whether the Irish corporations, like those in England, contain a principle worth preserving, when stripped of the corruption by which it has been overlaid, but jump to the conclusion that the hatchet shall be applied rather than the pruning knife, and corporations cut down root and branch; and this, because the Roman Catholic people in Ireland would, if the corporations (or municipalities) were reformed, be entrusted with the management of their own affairs, and have a voice in the election of their present self-elected governors. We should regret to see a principle containing so many of the elements of national improvement lost to Ireland. Even in despotic

ditto; tenth, ditto; eleventh, ditto; twelfth, cousin of the patron; thirteenth (who is also recorder), a cousin of the patron; the fourteenth, a cousin of the patron; fifteenth, married to a niece of the patron; sixteenth, first cousin to the first wife of the patron. A large family truly.

* Sir Robert Peel's speech of 5th of June 1835, in the House of Commons, on the English Municipal Corporation Bill—Mirror of Parliament.

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states, we find a portion of the rights and prerogatives conceded to the people at their foundation, still lingering amid their ruins. In Turkey, Persia and the Indies, amid the most revolting despotism, traces of freedom are still to be discovered in the municipal institutions of these countries, marking the foundations of that popular government on which their ancient prosperity was built. No expedient of party can prevent the great measure of Corporation Reform from being extended to Ireland; it is a natural consequence of the reform in the representation of the people, and will follow as surely as the seasons follow each other in the order of nature. Before public opinion, now enthroned on the solid base of free representation, the venerable mass of political corruption is falling to pieces. Nothing can prevent the march of Reform. The evils consequent on perverse power will pass away under a system of government founded on justice, dispensing and receiving the reciprocal duties of protection and obedience; discord will sink into quiet—industry and order will prevail in Ireland, as in other parts of the United Kingdom, and the popular virtues spring up around free institutions.

Article VIII.

Capture of the Vixen.

The people of England have always been proud of their navy, to which they are indebted for their freedom and commercial greatness. No power till now has dared to tamper with their flag, or seize with impunity during profound peace on their vessels, and the persons of their seamen and merchants, unless found openly violating international law.

It is doubtful if we can any longer congratulate ourselves on the full enjoyment of this privilege, from the example set by Russia how little she considers it entitled to her regard; while we are deliberating on the justification to be found for her extraordinary conduct, or astonished at her boldness, she has left the one for debate, the other to be digested as we choose. For the alleged contempt of her sovereignty in

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Circassia the British merchant ship Vixen has been confiscated by her in the Black Sea, and the supercargo and crew made prisoners with as little ceremony as observed in the spoliation of the estates of the patriot Poles, or the punishment of some of her own serfs.

A British Court of Admiralty would doubtless have pronounced the same sentence on any Russian vessel subject to the penalty, without consulting the court of St. Petersburgh, or caring for its displeasure. But the grounds of the decision would then have been clearly disclosed to the world. In case of error it could be reversed without discredit, and restitution made without reluctance.

Had the seizure taken place for prohibited intercourse with some detached coast, which England claimed as a dependency under a disputed title, after having previously renounced all intentions of territorial acquisition in that quarter, where the people resisted the transfer and retained possession of the soil—at war with England, but their ports never declared by her in a state of blockade; under all these circumstances we might appeal to Europe, to the civilised world, to Russia herself—would any judge in Great Britain have so far forgotten the obligations of equity and his own duty, as to observe a studied silence on the questionable right of local sovereignty, on which the whole merits of the case rested?

We insist then that however much they might be in her favour, Russia has no less, by this essential omission, been guilty of a departure from the established forms of judicial procedure, and the courtesy due to a power certainly of *some* rank, with which she is in amicable relations. From the finesse and refinement which distinguish her diplomacy, we can only attribute the oversight to the absence of all decorum or principle in her internal administration: She has exposed herself to be taught "a great moral lesson."

No ministry to which the honour and interests of England are confided would we trust overlook the indignity, so that Russia may escape the reckoning. Its gravity rises beyond all comparison, as the prospect vanishes of her being able to show the validity of the authority she has ventured to exercise.

We would, with all reverence for her eminent representative in this country, recommend to his Excellency to make diligent

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search in the archives at Ashburnham House, or if not there to be found, to write to his court for the following documents, for the satisfaction of Lord Palmerston and the British Parliament, *viz.*—

A statistical account of the number of square miles or versts possessed by Russia between the range of the Caucasus and the Euxine, from the embouchure of the Kuban to the borders of Mingrelia.

The particulars and extent of lands cultivated there by the inhabitants owing allegiance to Russia, who pray for a continuance of the blessings enjoyed under her sceptre.

Further, an account of the number of native inhabitants in this Circassian and Abussian territory who pay tribute to the emperor; the amount of revenue collected from the country, and the sites of the different public establishments there, exclusive of the forts of Anapa, Ghelengik and Sukum Kalé, so honourably acquired from the Porte.

As subsidiary "pièces justificatives," it might be desirable to produce a copy of the appointment of the governor-in-chief of Circassia, a dignitary whose name and fame are totally unknown in western Europe, with a list of the sub-governors of the various districts or provinces, their places of residence and the range of their circuits in visiting the subjects of his Imperial Majesty under their charge, for the administration of justice, and their instruction in the duties of obedience, religion and morals, according to the catechism for the use of the Trans-Caucasian governments.

In case of difficulty in obtaining these returns, we would suggest the expediency of immediate recourse to the Porte for extracts from its registers on most of these heads relating to Circassia, when subject to its dominion and governed by Turkish Pachas.

It would then be evident that only the rebellious character of the natives prevents Russia from enjoying the same authority and deriving the same advantages from the occupation of the country. The ingenuity of the Dragomans might be rather at fault to persuade the Reis Effendi of the existence of these records, of which he would never have heard. Should this be remedied, not a doubt could remain of the cession having really been made, and of the right of the Sultan to dispose

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of this portion of his empire to his good friend and ally the Autocrat of all the Russias, "for the better definition of "their respective boundaries, and in order to repress the in- "cursions of the Caucasian tribes."

The objections to possession de jure and de facto being thus disposed of (with some illiberal exceptions), the case will be made out in due form, and considered sufficient no doubt to satisfy the dull intellects of the British nation, and relieve alarmists from their terrors of seeing the country disturbed for such a paltry affair as the seizure of the Vixen.

We are far from taxing the public with this feeling which may be shared by a few; and the view taken of the subject in Parliament, shows that it was there considered one of the most serious which could occupy its attention. The spirit in which it was introduced by Mr. Roebuck was highly appropriate. His doctrines of blockade were objected to as Utopian, and we apprehend however acceptable in the new world, are impracticable in the old. As little do we coincide in the indifference he evinced for the balance of power, and the fate of the Ottoman empire. From his entertaining these very opinions, the manly tone in which he enforced the duty of the government to repel any outrage on our national rights becomes the more gratifying and satisfactory. His friends also in the numerous party to which he belongs, who have shown that they are equally alive to the interests and dignity of the country, will, we trust, consent with less reluctance to the necessary supplies for those establishments by which any aggression can be repelled.

After some introductory remarks on the importance of the question, which might be one of peace or war, the honourable and learned Member proceeded,—"Were Russia a small and "insignificant power, we ought to yield to her demands, if "just; and if she were great and powerful, we ought to resist "her demands, if unjust. He was prepared to say for one, "that Russia should be called to account, if (as he believed "they were) the facts which he had stated prove correct. He "would have Russia called to an account on this subject; not "because he wanted war, but because he wished to maintain "peace; not because he dreaded the continental aggrandise- "ment of Russia, but because he thought it was the duty of

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"the country and its government, to maintain and guard her "commercial interests."

Doctor Lushington, in his professional capacity, confined himself to the legal merits of the case; and in explaining the full maritime jurisdiction belonging to the sovereign power in Circassia, expressly declared that it must be founded on possession de jure and de facto. The responsibility of Russia under her own protestations to derive no increase of territory from her last war with the Porte, was fully admitted by Lord Palmerston; but he considered her previous engagements to the same effect as only applicable to the execution of the treaty for the pacification of Greece. The correctness of the distinction can avail Russia but little. So thoroughly were the affairs of that country and circumstances arising out of the Greek revolution mixed up in all her differences with the Porte from 1821 till 1829, that it would be impossible to separate them.

Her design of assuming alone the task of the settlement of Greece, was the great inducement with Mr. Canning for binding her to become a joint party with England and to act only in mutual concert. Such was the basis of the protocol of St. Petersburgh of the 4th of April 1826. Yet after this, the menaces by which she obtained from the Porte the signature of the convention of Akerman in September 1826, surrendering to her the most important rights, were accompanied by the assurance—which though verbal, she has never attempted to deny—that she would cease all further interference in the disputes between the Sultan and his revolted Greek subjects. Russia bound on the other hand to England to co-operate in their adjustment, and in obtaining a separate government for Greece, set forth the fulfilment of that engagement as a leading cause of hostilities against Turkey in 1828, and an indispensable condition of laying down her arms. The treaty of London of the 6th of July 1827, was but an extension of the previous protocol in a more solemn form, and with the accession of France to the compact. In her manifesto against the Porte, dated the 26th April 1828, Russia declares that "Russia has not departed, and will not depart from the stipu- "lations of the treaty of the 6th July. The duties which it "imposed upon her, and the principles on which it is founded, "will be fulfilled with scrupulous fidelity, and observed

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" without the slightest deviation. The allies of Russia will " find her always ready to act in concert; * * " always inclined to make use of her present situation only for " the more speedy fulfilment of the stipulations of the 6th of " July, and not to make any change in their nature or effects.

" The emperor will not lay down his arms till he has ob- " tained the results stated in this declaration, and he looks " forward to them through the blessings of Him to whom " justice and a pure conscience have never appealed in vain."

All these professions of justice, moderation and adherence to treaties were forgotten in his successes on the conclusion of peace. Russia availed herself of the panic of the Turks, to load them with burthens, and extort from them every concession she desired, as she had before gained her ends by intimidation and artifice at Akerman. By the treaty of Bukarest in 1812, her territory on the eastern coast of the Black Sea was declared to be bounded by the river Kuban. *All the castles to the south of that frontier* which Russia had conquered, she was by the 6th Article expressly obliged to restore to the Porte. Complete restitution never was made, which continued for fourteen years to be a constant subject of demand and complaint. Russia kept possession without a shadow of excuse, in defiance of the treaty of Bukarest. Its execution was at last evaded by a palpable subtilty in framing the 4th Article of the Convention of Akerman, of which the following is an extract:—

" Seeing that the Imperial Court of Russia has evacuated " and restored, immediately after the peace, those of the for- " tresses which had been taken only during the war from the " troops of the Sublime Porte, it is agreed on both sides that " henceforward the Asiatic frontiers between the two empires " shall remain as they exist at present."

Having thus stifled discussions and retained the Turkish castles on the coast of Circassia, Russia next aimed at getting a title to the whole of the country, by the treaty of Adrianople. It is there included in the new definition of her boundaries acknowledged by the Porte, but *not ceded* by the latter power. It is not even mentioned by name in the Fourth Article, which, after enumerating the countries to form the adjoining frontiers of the territory of the Porte, further stipulates, " that those which are situated to the north and east of

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" the said line towards Georgia, Immeritia and the Gouriel, " as well as the litoral of the Black Sea, from the mouth of " the Kuban as far as the port of St. Nicolas inclusively, " shall remain in perpetuity under the dominion of the " Emperor of Russia."

This " litoral" means Circassia, without a word said as to its ever having been the property of the Porte, which did indeed occupy the forts on the sea-shore, and was the protector of part of the neighbouring people.

The lapse of time since the arrangement, and the implied consent of England to all the conditions of the treaty, are relied upon in Russia's defence. But a new light is thrown on this point by the important fact referred to by Lord Dudley Stuart during the debate. " He wished," said his Lordship, " to be informed whether this government recog- " nised the treaty of Adrianople or not. He believed that " the government of the Duke of Wellington did not recognise " it, and that he thought himself justified in inferring from " instructions which that ministry had given to Lord Heytes- " bury, dated June 13, 1828, directing him, in case of " encroachments by Russia on the territory of the Porte, to " assume the gravest tone of remonstrance consistent with the " avoidance of positive war."

It was also admitted that a subsequent communication was made by the same cabinet to Russia, reserving our right of judgment on the treaty of Adrianople. Even the absence of proof of such an intimation would be immaterial, since the ministers of the crown possessed no power to absolve Russia from specific engagements to England, and confirmed by her own solemn and repeated declarations for the security of Europe. Neither could they revoke the commercial privileges belonging to every British subject, by their acceptance, tacit, or express, of a treaty to which England was no contracting party, and the legislature had never given its special sanction. Our representative government would otherwise be a phantom without any substantial control over the policy of the executive. From the intimate relations of England with the rest of Europe, it is usual for treaties between foreign states to be communicated to her cabinet by one or both parties, as matter of information and record. This of course does not take place

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when there is any obnoxious article to conceal, as in the instance of the famous treaty of Unkiar Skelessi.

As soon as it transpired the British government formally protested against it. Had this been neglected, we would inquire how the nation could have forfeited their rights in Turkey, or the guarantees for its independence, which the secret compact tended to subvert? A state of war which dissolves all treaties between the belligerent powers cannot even annul the pledges given to a third. The surrender to be valid, must also be made by that nation, according to its peculiar laws and constitution; and treaties with a pacific state can only be abrogated by an act equally solemn and formal. The direction of the interests of the country on such occasions resides in the British sovereign, under the subsequent control of Parliament. In case of a loan or indemnity to be paid, it may refuse the money, and the whole civilised world knows the contingency to which arrangements with the crown of England are subject. Once confirmed by the legislature, they may again be declared impolitic, but stand irrevocable towards a foreign state.

The acts of an absolute sovereign are on the contrary complete, because he represents his entire kingdom: we can only give Russia the benefit of usage as accordant with these distinctions. Let them be set aside, and she has herself, in the sentence passed on the Vixen, furnished ample grounds to overthrow her cause.

"The brig Ajax," says the official manifesto, "which had "orders to watch the vessel, found her at anchor at the bottom "of the bay of Sugiuk-Kalé, at a point where there was neither "custom-house nor quarantine establishment. The cargo was "admitted to consist of salt, an article expressly prohibited in "our tariff. The confession was decisive—the offence of "smuggling proved—the violation of our sanatory laws was "manifest;" and, "by the captain's own admission, the ship "had lain there thirty-six hours before she was overtaken by "the Ajax."

How came she thus to remain so long unmolested? "Mr. "Bell," continues the same official document, "was in com- "munication with the inhabitants of the coast, for the purpose "of trading with them." Who were these inhabitants, that

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they did not enforce the Russian laws? for it does not appear the Vixen was transgressing their own.

The place was not a secret or out of the way creek, such as usually chosen by smugglers, but a large commodious bay and port, where Mr. Bell found the people on shore willing to engage in open friendly trade. No revenue or quarantine officers came off to visit him at anchor; but a Russian brig-of-war enters from the sea, and, being the strongest, seizes on the vessel with all on board.

But did the people of the Ajax land, and attempt to pursue the native inhabitants, who were equally, if not still more guilty of the criminal traffic? No, the English foreigners and their property were made the only victims of the offended majesty of the law! The brig-of-war was perhaps too busy with her prize, to bestow any attention on their accomplices on shore. We hear nothing of their apprehension and punishment, and this in a country which Russia says is hers, with which she is not at war, for the people are her subjects. How venial then must smuggling and breach of quarantine, with a vessel too coming from an infected port, appear to the rest of the nation*? Or how impotent the imperial authority to command respect, in a territory on whose coasts it is enforced against the British flag, in all its supremacy and rigour?

The solution of these contradictions will easily be discovered in the character of the Circassians who had been in intercourse with Mr. Bell. They carried arms, and formed part of these numerous independent tribes, into whose territory Russian soldiers have never penetrated, or come only to find a grave.

When the Vixen was forcibly conveyed to Ghilingek, we learn, from Mr. Bell's deposition, that "the admiral informed "him, it was only from the existing amity between Great "Britain and Russia, that he deemed it his duty to remit his "case for decision to his superiors at Sevastopol. That a "Turkish or other vessel would have been taken possession "of as a prize." Assuredly England is indebted to the admiral for his courtesy in thus dispensing with his functions of

* It is worthy of remark, that the captain of the Ajax himself made little account of the sanatory laws, for he compelled Mr. Bell to come on board the brig of war. Was she afterwards placed in quarantine in consequence of this communication?

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judge at sea, in addition to those of captor. From the proficiency of Russia's naval commanders in the science of jurisprudence, what benefits may not mankind expect, under the greater extension of her power!

Admiral Esmanto also declared to Mr. Bell, "that they had "come to visit the coast in contravention of a *blockade* esta- "blished for five years, and proclaimed to Europe by the "Emperor of Russia." His majesty admits only the existence of quarantine and custom-house regulations for intercourse with the coast. The admiral well knew this to be a farce, and that his real employment was to prevent *all* intercourse with a hostile country. He did not scruple to reveal the nature of the instructions under which the officers of his government act, though it keeps on the mask for the world. In the Black Sea and in Turkey, the prohibitory regulations are called only by the name of a blockade. Mr. Bell, before undertaking the voyage, inquired of Lord Palmerston if they were recognised by His Majesty's Government as a legal impediment to trade with Circassia, and was referred to the Gazette. Mr. O'Connell's brief and ingenious speech admirably illustrates the purport of the answer, "The question he (Mr. "Bell) asked, was whether the country was in a state of block- "ade, and the answer was given him by referring him to the "gazette; evidently meaning that it was a country to which "a blockade would apply, otherwise it was a delusion which "the noble lord would not descend to practise. Thus if the "question referred to Norway, it might be blockaded, and "the noble lord in that case would refer to the gazette; but "if it were Archangel, then it would be a question of muni- "cipal regulation. It was clear then, from the reply of the "noble lord, that the country was one which could be block- "aded, and a reference to the gazette was a means of ascer- "taining whether it was blockaded or not."

It was time for all uncertainty on the subject to be removed, which Mr. Bell had the courage to attempt at the risk of the property under his charge, and his own personal freedom. The country has now to ascertain, after what ensued, whether Circassia is to remain closed to our commerce, and all the precautionary checks imposed by Mr. Canning on Russian usurpation be a dead letter. It is provided in the protocol of St.

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Petersburgh of 1826, by the fifth article, that, in carrying into effect the arrangement, neither England or Russia "*would* "*seek any increase of territory or any exclusive advantage* "*in commerce for their subjects, which shall not be equally* "*attainable by all nations.*" Yet Russia, on the termination of a war, proclaimed to be undertaken in strict adherence to those principles, has extended her dominion on all sides. On the Danube—on the Turkish frontier in Armenia, and by the appropriation to herself of all Circassia.

The enforcement then of her tariff along the coast, *is* "an "exclusive advantage in commerce" for her own subjects, to the undue prejudice of England. Our products are shut out from a market with nearly four millions of people between the Euxine and Caspian, to whom they could be conveyed through the independent ports of Circassia. A recent English traveller thus describes the state of that interesting country: "To "the left we saw as far as the eye could reach, the long irre- "gular coast in the direction of Anapa. Near and beneath "us we were enabled to distinguish fields of maze and Turkish "corn covering the sides of the hills and the valleys, while "almost entirely concealed among the trees, gradually by the "assistance of our guide, we distinguished house after house, "or rather farm after farm, to the number of twenty or more "within the range of vision; which for these objects, could "not have exceeded three miles round the base of the hill on "which we stood, and this part of the country is the least "thickly peopled of any, the greater number being collected "in the plains. These houses consist of a collection of small "cottages built of hurdles covered with mud, and roofed "either with wood or thatch, of which the guest house is the "most conspicuous, and best built. The rest are for the "proprietor himself, for his harem, his various attendants and "slaves, receptacles for cattle," &c.

"The number of individuals in their homesteads varies of "course extremely. Some of those belonging to the chiefs "of the plains comprising two hundred persons, while the "houses of the poorest proprietors of the mountains, may not "contain perhaps more than ten or fifteen. An average that "would give a pretty correct idea of the population according "to the number of houses, might perhaps be struck at thirty

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" to each. Klaproth's estimate of individuals, nine to every " two houses, must be a wilful error."

This warlike and free population, consisting of eight united tribes with a national flag, is computed at two millions. Their declaration of independence, published in the Portfolio, Vol I. No. 4, was at first considered of doubtful origin, or stigmatised as spurious. Its authenticity is now placed beyond all question, by the challenge thrown out by Lord Dudley Stuart, in his patriotic speech on the night of the debate. His lordship appealed to Lord Palmerston " whether " the original was not in this country? He knew that " could not be denied. He was acquainted with a gen- " tleman of the highest respectability, formerly a member of " that House, who was present when the document was " signed by nineteen Circassian chiefs." Their standard since displayed has been graced by victory, and rallied the spirit of every kindred race to exertion in the cause. The Kabardians, extending from the Caucasian range to the Caspian are partly subdued, and serving in the Russian army, others retained on friendly terms by presents or mutual convenience, and the rest engaged in a perpetual struggle with her power. Among these races are men of high bearing and proud undaunted spirit, animated with the resolution to defend their native soil to the last inch. The fierce manners of mountaineers, common to all, are tempered by the patriarchal influence of their chiefs, and the common danger and enmity to Russia which form their bond of union, has allayed many of their hereditary private feuds, in which revenge was only to be satiated with blood. Since Englishmen have penetrated among them, they are desirous of proving how much this disposition has subsided, and showing themselves now worthy our sympathy and esteem.

Farthest to the south-east in the Euxine are the Abasians or Abazeks, some of them addicted to the wildest pagan rites and usages, intermingled with the profession of Mahommedanism, which is the religion of the chiefs. To diffuse gradually in such a country the real blessings of civilisation, our readers will probably agree that commerce accessible to British subjects, would be a far more likely instrument than Russian dominion. It has made religious converts in those

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regions; but chiefly from Christianity to the doctrines of the Koran, or it has driven multitudes to seek for peaceful homes at the extremity of the East. In 1771 the Calmucks, unable any longer to endure the oppression, exhibited the extraordinary spectacle of half a million of human beings seeking refuge from the tyranny of a European government under the paternal rule of the celestial empire. But within a few years, the Laze population between Trebisond and the Phasis have renounced the Christian faith of their fathers, to unite with the Mahommedan subjects of the Sultan, in resistance to the encroachments of Russia. The pagan Ossetinians were represented to her court "as a people abounding in gold "and silver," as a stimulus to second the zeal of some pious missionaries, who made in 1745 a commencement of proselytism to the Greek church, since when it has been of slow progress. The Kabardan Circassians on the other hand, who had hitherto been Christians, embraced the faith of Mahommed, in hopes to secure more effectual support from Turkey against the control of Russia. Christianity, such as it was, is still professed in Georgia, but to the hereditary vices of the people are superadded the examples of the gross debauchery and profligacy of the Russian soldiery and the licentious foppery of their officers. The national feelings of the Georgians are insulted and trampled upon—the Mahommedan mosques desecrated in all the territory gained from Persia, as well as in the Crimea.

The great reproach of the Caucasians is the sale of their children as slaves for the Turkish harems, or pages in the retinue of the great—a practice not yet abolished, but infinitely diminished. The barter of human beings in any shape is repulsive to the feelings of Englishmen, yet these are of recent origin. But very few ages have elapsed since laws were passed by our legislature for the encouragement and protection of that traffic, of the most revolting description, with the African coast. The fate of the youth of either sex torn from their homes around the Caucasus is least of all to be regretted among those numbered as slaves. On entering the abode of their new masters, they are not exposed to the merciless knout, resold like cattle, or exchanged by the cast of the dice and the turn of a card, as is the lot of fifty millions of Russian serfs.

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The girls look forward with joy to the influence of their personal charms in gaining the affection of their Turkish lords, to the ease and dignity of the harem, and the revered privileges of a mother*. From the rank of menial servants of Pachas, the young men rise frequently to the highest dignities of the state. In Egypt the Mamelukes of Circassian blood

* While revising this article for publication, we find our account of slavery in Circassia almost literally confirmed with other more material particulars relating to the country, by a work submitted to our glance in its progress for the press. It is entitled "Narrative of Three Voyages in the Black Sea to the Coast of Circassia, by the Chevalier Taitbout de Martigny, Consul of His Majesty the King of the Netherlands at Odessa." It first appeared there by public licence, and this edition is announced to contain the passages suppressed by the Russian government. We refer to it entirely in its original shape. The author undertook his first voyage in 1818, by special appointment from the Russian government, ostensibly for forming commercial communications with the Circassians. He then found Sugiuk-Kalé deserted and in ruins, as it has still remained, but represents it as possessing a good anchorage at all seasons, in preference to Anapa, and deserving to be made an important commercial town, from the facilities of carriage from it to the other side of the Caucasus, and the plains of the Kuban.

It is doubtless not for want of inclination, that the Russian government has not acted on M. de Martigny's suggestions. He freely admits that all the efforts of its agents proved abortive to seduce the Circassian chiefs and form a party, by cajolery or presents. The Porte succeeded better in persuading some of them to own its sovereign authority, but only in the first instance, according to our author, on condition that it should be for resistance to Russia, and that they should retain their independence in yielding allegiance. Later submissions were made only in preparation for the war of 1828, and the chieftains reproached the Pacha of Anapa afterwards with cowardice or treachery, in surrendering the fortress, when they were marching a strong force for its defence, which they asserted was jointly entrusted to them by the Sultan.

In reference to this event, the author observes, "the capture of Anapa has opened a vast field to the enterprises of the Russians in the Caucasus. But what does it not leave still to be done, and how embarrassing the choice of means to be employed to change the customs of about *twelve tribes, who reckon more than* 300,000 *families, entrenched behind their mountains, where neither civilisation nor the arms of any country have been able to penetrate?*"

This computation of families, coming from a Russian source, is probably underrated; and taken at a common rate of five souls to each, would form an aggregate of a million and half. But from the description we have given of the number of individuals in some districts attached to one establishment, the total result might, we should think, be more than double, and exceed three millions for all the Caucasian tribes in a state of independence, though not of direct concert.

In religion they are represented by M. Martigny as pagans, with but slow progress made in their conversion to Mahommedanism. But we have much better

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were the sovereigns of the country. Hafiz Pacha, the present seraskier of Anatolia, is of the same origin, but he has been unable to induce his brother, a native Circassian chieftain, to embrace the brilliant prospects open to him in the Turkish service, and relinquish his home, where he shares the fatigues and dangers of his countrymen.

They have remained almost secluded from external trade, and their taste and skill in mechanic arts is chiefly confined to ornaments of dress and warlike equipments. Their steel shirts of mail are beautiful, and their pistols and guns of native workmanship, richly and elegantly mounted. British manufactures are of course little in use amongst them, and our common shawls for the head dress and girdles of the men, prints and many other cotton articles would be found, as throughout the East, cheaper wear than their own. The carriage of salt—a necessary of which they are most in want—from the Danube or the Gulf of Smyrna, would employ many of our vessels, waiting for the season of returns, after having taken out cargoes to the Levant. Occasional supplies of salt, with some colonial and British productions, are conveyed to the Circassians by Turkish boats from Trebisond, when they can escape the Russian cruisers, and afford liberal profits. Wax, hides, honey, grain and boxwood are the chief articles received in exchange, and Turkey affords a market for such of these as are unsuited for importation to England. From the difficulty of finding an outlet for their productions, they have had no inducement to extend them, which would be the immediate result of an influx of foreign goods. Our merchants and manufacturers might partly engage themselves in this barter traffic, of which Constantinople and Trebisond would be the central depôts; or purchases of British goods would there be made by Turkish traders, and a chain of circu-

authority from others who have visited the country, in stating that this is a predominant creed among the Circassians, and is everywhere professed by the chiefs.

These, says M. de Martigny, receive feudal service from their vassals in peace and war, but have no other right over their property or persons. The peasant and his family may freely change their abode, and he can only be sold as a slave in punishment for some offence, which must first be judged by an assembly. All classes live together almost on an equality in their social intercourse, dress and habits; the chiefs never dream of usurping any arbitrary authority.

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lation for them thus established, from the Circassian coast to all the Caucasian districts not hemmed in by Russian arms or tariffs.

Submission to the insidious blockade entails the forfeiture of the valuable addition thus to be made to our exports to Turkey, in which there has been a further progressive increase during the last two years. It is remarkable also that they continue in the greatest activity up to the present hour, amidst the general pressure which has reduced shipments to all other foreign markets. The effect on that trade we shall afterwards have to consider; but Russia will take advantage of it in other respects equally important. She will say to the Porte, the English wished to establish free intercourse with Circassia, and are loud in their complaints because we have seized one of their vessels in the experiment. Hear what they say, and judge how little they have done for themselves; what have *you* to expect from their friendship or support? The triumph, if it fails to produce all the desired effect on the Porte, can do us no good. At the court of Teheran it will be held up to encourage the impression, already too deep rooted, that the power of Russia is supreme on the earth, and irresistible.

The inclinations of the Persian divan in looking for foreign support were very different soon after the installation of the present Schah, in the beginning of 1836, if we may judge from a document we are about to present to our readers. It appeared last year in the Augsburg Gazette, in an able review of the position of affairs in the East, and the character of the journal gives a peculiar interest as well as authority to all its leading political articles, whichever side they advocate. The sagacious but cautious observations of the writer in this instance, coincide well with the system of the Austrian cabinet, and he takes occasion to plead in its favour for the free navigation of the Danube and Black Sea. He extols, as worthy of more refined statesmen, the correct knowledge of European institutions and policy, and its judicious application to their own situation displayed by the Persian ministers, thus adroitly approving of the preference given to England, which is the result of their deliberation in the following terms:—

"Since by the all-powerful protection of Allah, a small "number of great European empires are now in possession of

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" the authority which belonged to the dominions and so-
" vereign of the faithful, and the existence and prosperity of the
" rest cannot possibly be preserved but by sharing the protec-
" tion of one or other of these empires, and knowing how to
" secure their favour,—Persia, situated as she is, between Russia,
" which is encamped near the Caspian gates, and England,
" which touches the Indus—ought only to consider which of
" these two empires she shall choose for a protector. In this
" respect it is necessary first to examine the greater or less
" remoteness of the two empires, then the nature of their
" constitutions, and the result for such as are dependent upon
" them as subjects, or have occasion for, and have enjoyed
" their protection, especially in respect to religion. Seeing
" that England indeed is separated from Persia by seas and
" continents, and if she nearly touches Persia by the Indus,
" it is only by a foreign possession, and not by the body and
" weight of her domestic power; but that Russia has ac-
" quired Turkish and Persian provinces, and holds the keys
" of the country in Armenia and Georgia, and is always
" extending her power on the side of the Caspian Sea, and as
" her army is constantly ready for combat in the northern
" mountains (*i. e.* the Caucasus), she can advance equally
" from Erivan, as from Mazanderan in the kingdom, and
" towards Teheran. Considering only this state of things, it
" is evident that Russia, as the protecting power of Persia,
" merits the preference over England, because it is from her
" that the greatest and immediate danger proceeds, and that
" it is better to have for a friend a powerful nation, at what-
" ever cost; nevertheless, in examining the nature and
" character of these states, the case presents a different
" aspect.

" Russia, it is said, is an absolute empire, and the will of
" the sovereign is the sole law and rule; but this will, like all
" human will, is, in its immediate and simple effects, confined
" within a narrow circle. Likewise this will, wherever its
" influence ceases, is replaced by that of governors, generals,
" functionaries and authorities of every sort, as witnessed in
" the oppressions, the desolation and the complaints of the
" invaded people—complaints which rebound even to Persia.

" The King of England is, on the other hand, under the

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" empire of a law; and, therefore, all those whom he sends in " war or peace, to be placed at the head of his armies or " to govern a country, are bound by the same law. Jus- " tice resides under its shadow, and therewith wisdom, mild- " ness and care for the good of those who confide in it. " Besides this difference, which is as perceptible as the soul " of man within his body, is found also with respect to the " religion and faith of each people. The Russian power " promises indeed protection for the laws of the prophet, and " possibly such may be the sovereign will of the monarch who " occupies the throne; but at a distance the unworthiness of " subalterns renders it inefficient, and in all Georgia, and " along the Caspian, the mosques are converted into store- " houses or wine cellars, and the houses belonging to these " mosques into stables; while the English government causes " the temples destined for the prayers of the faithful to be " repaired, and where necessary, new edifices for the purpose " to be erected at its expense.

" From thence it follows that though Russia is near and " threatening, and England distant and unable to give as- " sistance but slowly, the latter ought, notwithstanding, to be " preferred as a protecting power. Much more even if " England were situated as Russia is now, and the latter " remote like England, ought Persia, in order to protect her " religion and ensure the blessing of the law, to prefer the " protectorate of England to that of other countries? For " these reasons every true believer ought to be punished with " banishment, and shall be so punished, who shall publicly or " clandestinely favour the interests of Russia, and oppose the " measures and acts which are necessary to ensure to the " country the protection which has been found so beneficent " in a great number of Mussulman countries beyond the " Indus."

This state paper we have thought best to insert entire, both from the source whence it was published, and the intrinsic importance it seems to us to possess. It is as honourable to England, as illustrative of the high influence which her moral power and character can exercise in the interior of Asia. Yet Russia has managed to pervert the better judgment of the Persians by cajolery, in working on their ambition and self-

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interest, or to overcome their scruples by her vicinity and the dread of her strength. Her wiles are often defeated by our ministers; but without assuming a more commanding attitude in these countries, we cannot expect to realize all the advantages we might derive from the predilection of the people on our side. They will await with anxiety as far as the borders of the Indus, the decision of the present question with Russia.

The security and tranquillity of India depend on the hold we can retain over Persia, which Russia is always stimulating to conquest, in order to be her pioneer. Her present occupation is equally to try, through her agents, to undermine the respect for British power at the independent Asiatic courts, and to sound the trumpet of her own superior grandeur—to sow distrust or jealousy in our northern provinces, in order to increase the expense of government and render our Indian dominions a burthen. She will hold the keys of that frontier through Persia, whenever the latter succeeds in her projects on Herat, and time, the incessant employment of the same means in pursuit of an object, and improving the slightest advantage, may achieve what at first seems impracticable,—Russia may likewise advance by another route where her progress is scarcely less to be deprecated.

The treaty of Adrianople, and the subsequent convention of St. Petersburgh of the 10th February 1834, extended her territory to the point where the provinces of Akiska and Kar unite with Georgia. The line traverses the first of these districts, so that all the passes to the Asiatic dominions of the Porte are within her boundaries. When freed from enemies in her rear, and having Persia as a confederate, Russia would immediately aim at the occupation of Bagdad, and the establishment of her power on the other side of Mesopotamia by the Euphrates. We may observe too, that in this case the Turks, should they ever be expelled from Europe, would have no quiet empire reserved for them in Asia Minor as sometimes imagined; hemmed in behind from the East, they would be pressed towards the Sea, and have only to submit, or cross the Taurus. Our overland communications with India, and steam enterprise on the Euphrates if resumed, would also be interrupted.

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An unpublished manuscript in our possession* written with considerable talent, illustrates the facilities of an army reaching that quarter, by a striking incident thus described. "Having arrived on the borders of the Euphrates with "Ibrahim Pacha, we remained there some days; as it was on "the confines of his new possessions, several malcontent "chiefs within the territories of the Sultan came to take "refuge with him or pay their respects. Among others was "a young Turk of distinction, who proved to be the brother "of the Pacha of Much adjoining the lake of Van and the "ancient Armenia. He had to fight a great part of his way "against the competitor named to his brother's post, who had "perished in the contest, yet he had been only ten days on "the route with three hundred followers. In reply to a ques- "tion from the Prince he declared that Much was not "above three days' distance from the Russian possessions. So "there is no more than eleven to twelve days' march for their "armies to the course of the Euphrates." We may add to this the assistance for conveyance which might be devised in the river from a higher point, and which equally applies to the Tigris.

The extension of Russian dominion to these regions would no longer be problematical, after suppressing all formidable resistance in the Caucasus. The passes there are the neck which unite the rest of the empire with Georgia and the neighbouring possessions conquered from the native tribes, and from Turkey and Persia,—the latter has little to dread from an invasion only by the Caspian. No expedition could thus be sent in sufficient force for the purpose to land on her shores, nor by way of Bakou, a Russian port farther North. From this last point military operations on a large scale are rendered impracticable by the badness of the roads in the Daghestan, and the hostility of the imperfectly subdued inhabitants. The main force, its convoys and artillery, must be conveyed over the Caucasus through the sole opening called

* The production of a distinguished Polish general, whose services were first offered to the Sultan, and declined; finding him in the arms of Russia, the general then joined Ibrahim Pacha, whom he soon quitted, on feeling the conviction that "he" was no enemy of that Power.

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the Vladi Caucase, where Russia purchases a precarious licence of passage, by a tribute paid to the surrounding tribes.

A chain must be thrown across this barrier by the freedom of its natural defenders, to secure the independent existence of Persia—she knows that there only England can save her. We are now brought into collision with Russia on a point of right in which Persia has a vital interest. On finding us shrink from the trial in her immediate vicinity, she would be still more disposed to become the obsequious vassal of her omnipotent neighbour. The struggle now with difficulty maintained by our minister at Teheran must then become still more feeble—our anxiety for India more serious and urgent—as Persia and Turkey sink under the ascendant of a more daring power.

We will not give way to such painful anticipations, and turn for consolation to the rise of a better spirit at home, and sounder views than those which thwarted our cabinet in supporting those countries in former days.

The genius of Pitt had prepared the means, and appreciated the necessity of taking this course in 1791; but Fox was unfortunately his political opponent, and England was baffled of the triumph which awaited her arms in the Black Sea, and might have prevented all the evils we have since witnessed. The Minister was reduced to diplomatic combinations, and the ambitious Catherine, though obliged to desist from hostilities, advanced her frontiers to the Dniester. Again Pitt's administration rescued Egypt from France, and showed Turkey that we were more than titular allies. Duckworth's ill-fated expedition in 1807 was undertaken to coerce the Porte into peace with Russia, then our confederate, and it failed. By compelling the latter to make restitution of some of her spoils, and grant fair terms of accommodation, our interference had a better chance of success, and it would have been far better advised. It finally contributed to give Bessarabia and the protectorate of the provinces to Russia in 1812, as a bonus for the release of her army on the Danube, when she was herself at the last gasp. This force was in time to harass, on his retreat, the man who had refused to be her accomplice in subverting the throne of the Sultans, to assume their seat.

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She had in the meantime wrested Finland from Sweden, and was next entrusted, at the Congress of Vienna, with the guardianship of the revived but shorn kingdom of Poland, of which country she has latterly effaced the very name. Persia has been totally abandoned to the weight of her power, till it stretches to Mount Ararat, and across the Araxis.

Turkey enjoyed a long repose from 1812 till the Greek revolution broke out in 1821, and convulsed the whole country. Russia harassed the Porte with complaints against the violence of the storm which her own agents had raised, and took offence at the retort. Lord Strangford, then our ambassador at Constantinople, undertook the office of mediator, and prevented a rupture which at that time might possibly have ended in the dissolution of the Ottoman empire. His position was embarrassing, and all his address employed to palliate the conduct of Russia, while she shuffled off the restoration of the castles in the Black Sea, and the Porte engaged to withdraw her troops from the provinces. Alexander was not ungrateful. His lordship on his return to England, was rewarded with a British peerage; and snuff boxes or presents in money were showered from St. Petersburgh, on all the secretaries, attachés and dragomans of the embassy. But the differences had only been patched up for the moment, so as to induce the Emperor to send a chargé d'affaires to Constantinople and renew his diplomatic relations there, suspended since the departure of Baron Strogonoff. M. Minziaky, the new minister, succeeded in inducing the Porte to send commissioners to Akerman. It was necessary to overcome the slow and deliberate habits peculiar to their natural character by an extraordinary stimulus. At the twelfth hour they were shown from the window of the conference-chamber the bayonets of the troops ready to cross the Pruth, and signed the Russian ultimatum—the convention so memorable for truth and honesty. Well might Russia say to Lord Strangford, who had extolled her to the Porte for these virtues, "Monsieur, je vous ai bien réfuté."

It is unfortunate that our own good faith did not stand clear of some discredit with the Porte, under the guardianship of the celebrated George Canning. The statesman who had so loftily asserted the independent policy of England in regard

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to the continental states, could not escape the contagion, when he fell into the embraces of Russia as a confederate. He was entangled in her diplomatic nets.

The intervention of the three powers who signed the Treaty of London, was there grounded on the necessity of suppressing piracy in the Levant, which had grown out of the Greek revolutionary war. The Porte admitted the evil, and gave them full permission to put it down, knowing that this depended on the efforts of but a small portion of our own Mediterranean force, and suspected that the inclination not the means were wanting. In fact, these did succeed in restoring the freedom of navigation in the Archipelago, long before the Sultan acceded to the Greek treaty. This impression greatly contributed to render unavailing all the strenuous efforts of Sir Stratford Canning to persuade the Porte to avert the evils which its resistance to the will of the three powers was sure to produce. The circumstance, scarcely known, is a proof of the clear intelligence of the Porte, in regard to the motives and capabilities of the European states. It may err in its own policy, but well understands the springs of theirs. A more faithful declaration of the objects of the treaty for the interests of humanity, and a manifestation of sympathy with a Christian people, might have been attended with happier results.

After Mr. Canning had concluded the preliminary arrangement, and was endeavouring to mature it by obtaining the adhesion of the other powers, Russia took advantage to settle her own private differences with the Porte. She made her own terms at Akerman in the interval, and with perfect composure next turned them to account against the British minister, when framing an intended drag on her projects, and a safeguard for Turkey. To overcome the scruples of our cabinet, on the final resort to coercion, for effecting the pacification of Greece, Prince Lieven thus addresses Mr. Canning, in his confidential letter of the 7th November 1826:—

" Nothing would place the policy of the first powers of the
" Christian world in a more false light, than to announce, by
" a brilliant demonstration, that they intended to pacify, and
" then not be able to realise this intention. The position of

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"Russia especially, would then be attended with serious consequences. * * * * * She has secured her state of territorial possession on the Asiatic side of the Black Sea. * * * * In breaking with the Porte she would renounce all these advantages. The Turks, for the sake of making reprisals, would not fail to regard as annulled all the concessions they have made, and it would require perhaps new efforts to re-establish affairs in this respect, upon the same footing on which they were placed by the treaty of Akerman." This means "we can go no farther in behalf of Greece, unless you agree to join us, in order to weaken Turkey, and prevent her resuming all that we have just obliged her to sacrifice." We can conceive the indignation which Mr. Canning must have felt—it was too late. He could cope with Russia at arm's length—all the gains of a league were her own. He did not live to prevent or deplore the battle of Navarino.

The next cabinet disapproved of the war which Russia soon after declared, and had ably prepared for, but did not interfere to prevent it or encourage the offer of Austria to march an army for the defence of the Turkish territory. Our fleet had the glory of saving Constantinople from the pollution of Diebitch's troops, but we left the Turks at the mercy of Russian diplomacy at Adrianople.

When the Sultan was afterwards nearly displaced from his throne by Mehemet Ali, we had not even an ambassador at the Porte. Lord Ponsonby remained at Naples without instructions; the cabinet knew not into whose hands his credentials might be presented; Russia became the protector of the Sultan. A more decided course has since been adopted. Russia has to balance her prospective gains by the treaty of Unkiar Skelessi with the odium it excited, and the lever it furnished for re-establishing our friendly influence at the Porte. The Pacha of Egypt has been curbed by England in his aspiring projects of independence, and reduced to the knowledge of his true rank as a vassal, in his forced obedience to the firman, obtained for the relief of British commerce from his illegal duties. Our fleet is retained on its station near the Levant, watching over the perils of Turkey. Still our policy

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is rather defensive than conservative. The status quo alone is maintained in the East, fraught with uncertainty and insecurity.

Moderation and forbearance are always acceptable to Russia; it does not tie her hands. She never thinks of returning the compliment, nor believes it is expected. The issue of the present question will create a reaction, the most important of all, from the shores of Circassia to the neutral and independent tribes eastward, on the flank of Russia's line of communications with her more southern possessions. It will lead to the complete subjugation of the Caucasians more promptly than her operations now promise; or it will revive their hopes of ultimate success in that contest which they may be said to have sustained since the first irruption of Peter the Great in their mountains in 1722. It will be decisive of Russia's supremacy on the Black Sea, and whether the whole of our commerce there is to be placed at her mercy. The toleration of one aggression would only lead to a greater stretch of insatiable power. Resistance has been far more successful. On the opinion given by the British crown lawyers of the illegality of the toll on the Danube, it was abolished for the flags of the great powers. Yet we understand from an individual who had resided in that quarter but a few months back, that it is still collected from Greek and Sardinian vessels, as belonging to weak states. The nature of the Russian quarantine regulations in the Danube is still more worthy of attention. We know that they were admitted by high official authority to convey to the local officers the power of sending a British, or any other vessel, to Odessa, for the performance of quarantine, when considered requisite, though the vessels may be bound to any Russian, Turkish, or Servian port, up the river*. They are thus liable to be sent above

* An article was inserted in the St. Petersburgh Gazette of the 1st (13th) May 1836, complaining of this malevolent construction of the regulation, and declaring that it only applied to "vessels freighted for a Russian port." It was high time, and probably the complaints on the subject called forth this explanation of what was left equivocal. Russia seldom makes such mistakes. The visit at least is still enforced, and there are statements put forth that vessels not promptly obeying the summons, when keeping too far off from the Russian ports, from the state of the current, or intricacy of the navigation, are fired upon, or run aground to keep out of reach of the cannon shot. The charge was made by Lord Dudley Stuart.

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100 miles out of their course. One example of this, whenever Russia chooses to enforce it, will be sufficient to deter our ship masters from attempting the voyage, since, besides the additional risk, detention and expense, they may lose the season when the navigation of the Danube is open. Here Russia exercises the control herself; it cannot now be anticipated how far, by increasing her ascendancy, she may render Turkey the instrument of her insidious policy to the detriment of our commerce, or what rules she may establish through her own chancery at Constantinople.

But last year the Dutch mission there issued a circular, that all foreign vessels proceeding from thence to any port in Holland, should give notice to their office, in order to obtain a sort of clearance for quarantine, or enable the minister to write to his government to prepare for their reception. The British ambassador was informed in time of the plan, and it was never communicated to our shipping through their consul. The intimate connexion between the courts of the Hague and St. Peterburgh rendered the object of the measure suspicious. Russia could have sought no better precedent for subjecting every vessel proceeding to any of her ports on the Black Sea to the same formality. In time this distinction would be abolished, since stress of weather or the interests of the voyage might cause all ships passing up the Bosphorus to enter a Russian port.

A control over the firmans with which they must be furnished by the Porte, before leaving Constantinople, would not exceed in audacity the treaty of Unkiar Skelessi; Russia would besides keep in the back-ground, and act through her protégé. The visit of the vessels to see that they had no contraband articles for Circassia would next follow on some easy pretext if necessary. Almost all our manufactures consumed in Persia, and passing by way of Constantinople, are now conveyed from thence by sea to Trebisond, whether in English or Turkish and other foreign bottoms. The freedom and security of a trade would thus be endangered, taking off a million of our exports and every year increasing. Even by the Circassian blockade it remains exposed. The English steamer, which is always loaded with the most valuable articles in this intercourse, especially the returns in Persian silks, shawls and specie, is every voyage

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liable to be driven on the coast of Circassia, within the prohibited limits; all sailing vessels and boats still more so; and their detention, if not confiscation, is the hospitable reception that awaits them under Russian rule.

It already extends to within a very few miles of the route of the caravans for Persia, near Mount Ararat, by which all this traffic must pass between that country and Trebisond. It would cost Russia but to make one step further, and we are not to expect she will be contented with a toll on our manufactures, but with their utter exclusion *only*, to favour her own. She has advanced her frontiers as near as possible to facilitate this very object; wherever she occupies or can lay claim to the soil, there she plants her tariff. Russia has an omnipotent stake in maintaining her non-intercourse act against Circassia. To deprive its people of necessary supplies is the way to conquest; till free in the Caucasus she is stayed in her further progress in Asiatic Turkey; she cannot demand of the Porte that small slip which would place the road to Persia within her territories. As the resistance to her arms would be strengthened in the Caucasus, the court of the Schah would become more accessible to British influence, the populations of Georgia, Immeritia, Mingrelia, Daghistan and Kabarda, and her lately acquired subjects from Turkey and Persia in the same neighbourhood more disposed to shake off that yoke to which they now submit with reluctance.

This is not the fault of England, nor ought we to be deterred from the straight line of justice and duty, on account of any inconvenience it may occasion to Russia. Are hostilities instead of reparation left at our option? Such menaces will, we trust, be met as they deserve. Russia has already known what war with England is; it did not last long, otherwise the days of Alexander were likely to have come sooner to a close. The revenues of her nobles and of the state depend as much as ever on the export of those raw products which the navy of England could imprison as before. All is not right within her own bosom; two mutinies in her army within a few months are signs that the parades, which to the emperor are a pleasure, to the soldiers are torture. The ranks even are not orthodox; the officers have not all forgot the opinions or the fate of Mouravief and his

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companions. The great Sclavonic mass is controlled, but not content.

Foreign war would be a dangerous cure for these disorders, and when its effects would be felt on the Russian soil, Poland is near, and all her sufferings and losses would arouse her the more to make a last effort, with the co-operation of powerful allies.

Austria, at the congress of Vienna, offered to restore Gallicia to be reunited with the kingdom of Poland. She would do so now to reconstruct it as a barrier against Russia. The cabinet of Vienna is not under the exclusive guidance of Prince Metternich, whose terrors of propagandism are in perpetual conflict with his sound judgment on the true interests of his country. Count Kollowrat, one of the most national and enlightened statesmen of the empire, is again in the council. To his influence we may probably attribute the liberal change which we know is soon to be expected in the commercial policy of Austria.

It is her decided interest to unite with us in vindicating the freedom of navigation and commerce in the Black Sea. She feels the fetters to which they are exposed at the entrance of the Danube, yet alone remained passive when they were still more galling. The toll there was not removed, till authority was given from our foreign office to refuse it on British shipping. The Austrian steamer had in the meanwhile gone on paying, yet the cabinet of Vienna encouraged complaints from the company on the subject. This national association is building other steamers for the Trebisond trade—and England in fighting her own battles would be fighting those of Austria. She desires no doubt the continuance of peace, but not at the expense of Russian supremacy. She has this dangerous neighbour too near Hungary and Transylvania, and by her further advance would lose these agitated countries. Neither can Russia have *Austria* as an *enemy*, or dream of going to war with us without seizing on the Dardanelles. There Turkey interposes, and would be as powerful with our support, as weak and discouraged, abandoned alone to the attack. Austria would not also be content with looking on, and allow Russia to gain this vital point, because she does not choose to renounce an authority of illegal origin, though of

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some years date, and which Austria has a common interest with us in setting aside.

France is much less concerned in the immediate question. As a continental power she acts in concert with us, and her people would not consent to see the friendly connexion between the two countries dissolved, for such an obnoxious pretension on the part of Russia.

Her cause has no moral support throughout Europe, it has been created by the indulgence of her own unbounded passion for conquest and preponderance of empire. She confides in the opinion propagated through her agents, of her invulnerable position and power, now risen to too great a height to be arrested. We have had occasion too often in this journal to signalise its certain tendency to overwhelm Europe, now to recede from that conviction. It is our constant object to enforce it. We have at the same time shown the danger to exist only because it is considered remote, or too much indifference prevailed as to the quarter where the preventive must be applied. Russia mistress of Constantinople, or unable to bar the entrance of the Black Sea which guarantees its safety, is a totally different power. She is formidable from the expansion of her immense volume, with but one will to direct the movement; all within at the nod of the Czar. She is deemed inaccessible only because the trial has never been made to subject her to control, and is inflated by an uninterrupted career of success in territorial acquisition, dictation, or embroiling the affairs of foreign states. The unscrupulous avidity of her cabinet wherever it could find a prey, and the intelligence and omnipresent activity of her diplomacy in securing the complicity or toleration of other powers, have covered the deficiencies in her real strength.

It has never been exerted by her single-handed with effect, unless against weak neighbours; disjointed Sweden, betrayed Poland, and Persia and Turkey when most disorganised. Yet such is the wretched administration and corruption in her army when engaged in foreign service, that its numbers immediately melt away, more from disease and privations than the usual casualties of war. The first campaign against the Porte in 1828 was opened with a force of 160,000 men according to the official lists, and terminated only with the capture of

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Varna. Its immense waste was next year repaired to within 10,000 men; at the close, 150,000 men and 50,000 horses had perished. Forty thousand troops remained within the Turkish territory in January 1830, 6000 sick all died in the hospitals at Adrianople, and Diebitch's army, computed at 40,000 men when he crossed the Balkan, was reduced to half the number when it advanced to that city to menace the Turkish capital. It only escaped being surrounded and destroyed, even by the peasantry and town population of Roumelia, from their apathy and despondency in finding England and, France leagued with the enemy at the outset. The least encouragement from them would have turned the scale. In the last war with Persia, which lasted two years, and terminated with the treaty of Turkoman-chai, Russia never was able to collect more than ten thousand men on one point, or keep together for a month above half that number. The jealousies of the Persian princes who divided and dissipated the revenue, and left Abbas Mirza to fight Russia with the resources of one province, led to her success. While the events show the enfeebled state of these two powers, they also suggest the reflection how little support would have rendered effectual the resistance of either. Poland, which in turn sustained its two years' assault, without organisation, or an established national government—defended by no mountains or natural barrier—fell at last from the co-operation of Prussia, in cutting off all her external supplies. The history of Napoleon's invasion of Russia and subsequent disasters, records many defeats, but no victories gained by her armies. When forced to retire by the dreadful severity of the season, his wretched and perishing soldiers were scarcely annoyed by an enemy save the marauding Cossacks, or the attack on their rear-guard at the passage of the Beresina.

At the present day the standing military force of the Russian empire is stated to be 868,000 men, with various deductions, leaving an effective force of 577,000. This immense multitude receiving only a wretched pittance for pay—a cumbrous navy of landsmen—with the incessant drain of the Caucasian war and establishment, keeps the treasury in an exhausted state. The grand review at Kalisch, intended for

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a brilliant display to Europe of military science and strength, ended by the Russian troops plundering on the Prussian territory to appease their hunger.

Our object in presenting these statements is not to arrive at a conjecture what portion of this armed mass Russia could oppose to England, along her line, or on any single point of contact. Those who despise her force, are alike to be mistrusted as others who view it with indiscriminating alarm. For our own part we confess it is the continuance, not the interruption of peace, to which we think Russia looks forward for gain. But we totally dissent from the doctrine, that because England in common with other nations desires to perpetuate the blessings of repose, one single power is to triumph in wrongs from this pacific disposition.

England has no other objects to pursue than the maintenance of her own dignity and honour, the security and rights of her commerce, and the independence of countries with which her prosperity and tranquillity are connected. She has not to exhibit the odious character of a wanton aggressor or ambitious conqueror, but she will cease to command the respect due to her rank, if in strict adherence to this duty she betrays any fear of giving offence to Russia. We cordially join in the sentiment expressed during the debate in the House of Commons, and re-echoed from all sides of its walls, "That to secure the blessings of peace, we ought to show "that we are prepared for war." We believe this to be in accordance with the feelings of the nation. It implies no menace, it was accompanied by no preparations for fitting out fleets, or by extraordinary supplies of money to be placed at the command of government. It is a calm and deliberate expression of the resolution worthy a great and free people. It will reach St. Petersburgh, and proclaim to its court that the spirit of England, though long tranquil, does not slumber. It reminds us indeed of the sympathies breathed over the tomb of Poland, and the denunciations which followed the occupation of Cracow, not we trust to be alike unavailing and evanescent.

We are perpetually referred by the Cobdens of the day to the wise policy of the United States of America, and do not regret that her example is invoked. For a mere verbal mis-

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understanding President Jackson refused the indemnity voted by the French Chambers, and awaiting his acceptance. He took the next step to war rather than touch the money, when proffered in a shape that savoured of menace, and England saved the dignity of both countries in this conflict of honour. Again, America at once resisted the pretensions of Russia to enforce the same non-intercourse laws on the north-west coast of America as in Circassia, with the amplification of its extending to one hundred miles at sea. "The right of the "citizens of the United States to hold intercourse with the "aboriginal natives of the north-west coast of America, "without the territorial jurisdiction of other nations, even in "arms and munitions of war, is clear and indisputable, as that "of navigating the seas," was the firm and successful reply of President Adams in 1822. England had to resist the same pretensions, which Russia finally withdrew.

The blockade of Circassia cannot be allowed to continue as now enforced. Let it be proclaimed at once in its true character, and the experiment be made, whether the British government will consent to be the handmaid of Russia, in abetting the subjugation of the Circassians, to clear the great obstacle in her approach towards India. Whether it will acknowledge the right of Russia to make war for purposes of conquest, in a country to which she avows her only title is derived from the treaty of Adrianople, as having formed part of the dominions of the Porte, and within which Russia was to make no acquisitions, and usurp no advantages to the exclusion of British commerce Let her avow that the structure of this treaty is incompatible with the exercise of a belligerent blockade, and that war with Circassia as an independent country is to be her justification. Her position and designs will then be intelligible; England and Europe will judge of the guarantees they afford for the loyalty of the Russian cabinet in its professions of profound regard for the integrity of Turkey, and the absence of all desire of aggrandisement in the East, in accordance with the assurances given to Lord Durham, and by him repeated to the world.

It would then be becoming for her to desist from irregularities which, in the language of Lord Dudley Stuart, deserve the name of piracy. That the imputation is not a mere ebul-

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lition of indignant invective we have evidence before us, in the report of the master of the Lord Charles Spencer merchantman, arrested in 1835 by a Russian cruiser, at *fifteen* to *twenty* miles distance from the Circassian coast. After several vexatious visits, "a boat from the brig," says the English captain, "came alongside in the night, with the intent to "plunder, which we beat off with staves and handspikes." How far the opinion was correct, the reception given to these visitors from a national ship of war leaves no means of judging; but such interference with the British flag in the open sea, deserved no other character. Russia, to retain her place among civilised nations, must conform to their laws.

Article IX.

Mirror of Parliament, 2nd June 1835.
Times, 8th March 1837.
Morning Chronicle, 8th March 1837.
Morning Herald, 8th March 1837.
Morning Post, 8th March 1837.

If a proposed law be in discordant opposition to the whole scheme of national jurisprudence and government, to the habits and character of the people; if the proposers themselves avow that it generates new temptations to fraud and falsehood, by spreading a vast mantle over the commission of them through the land; it is difficult to imagine any other result than confusion and demoralization.

Let us apply this to the vote by secret ballot. In treating the question, we have no personal or party purpose to serve. Whether we do so fairly and fearlessly the reader will judge.

English jurisprudence is essentially distinguished by publicity of procedure. In other countries of Europe, especially those which adopted the Roman law, all was secret;—the taking of depositions—the examining of witnesses—the questioning—and torture of the accused. This continued in civilised France down to the last quarter of the last century. It is true that in England so late as the reign of Elizabeth,

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prisoners were put to the rack secretly in the Tower; but this proceeding was so alien and revolting to the nation, that the chief minister of the crown, Lord Burleigh, came forward in the Queen's name, not to vindicate, but to excuse this act of her government to her subjects. Raleigh in the reign of James I., Sidney in the reign of Charles II., whilst on trial for their lives, were outraged with court-sycophant brutality by the two judges who tried them; but the judges and the accused were under the gaze of the public eye and within the beating of the public heart; and the presence of the people in those scenes, by spreading the knowledge of them beyond the possibility of suppression, tended not a little to protect innocence, animate patriotism and daunt iniquity. So much is publicity considered essential to the administration of justice in England, and so cherished is the principle by the English people, that of late years coroners inquests' and public offices have become open courts.

The same principle is no less visible in the fabric and developement of our political institutions. The essential difference between the government of England and of other countries is that of being representative or parliamentary. Secrecy was long maintained as an essential privilege of parliament. Inviolable privacy was considered necessary to the independence of parliamentary proceedings—and the door was closed—not against the crown, whose officers and privy councillors were present as members—but against the people represented. What is the result? It is, that the abstract principle of publicity has triumphed over technical privilege and that selfish impulse which actuates orders as well as individuals, and that the publication of what passes in parliament is, by a curious anomaly, at once a violation of privilege and a matter of public right. It may perhaps be objected that secrecy has the sanction of constitutional law. But this really proves nothing or its bearing is the other way in argument. It exhibits the public reason, the genius of the people, which a legislator will consult as his first guide, overcoming technical formalities of law or constitution.

It was not till the middle of the last century that this triumph was achieved. Wilkes, Crosby and Oliver, aldermen and presiding magistrates in London, not only discharged from

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custody two printers arrested under the Speaker's warrant, for publishing the proceedings of the House of Commons, but committed the messengers of the House who had executed the warrant. What was the consequence? The House of Commons blustered about privilege—threatened vengeance —skulked out of the contest—and abandoned its proceedings to publication. The gallery is still cleared on a division, by way of concealing from the constituents how their representatives vote; but the lists of the majority and minority were nevertheless blazoned in the newspapers, and are now by an order of the House of Commons regularly printed with the votes. Thus powerful and pervading is the light of publicity in our essential institutions of law and government.

But this is not all. It is not alone in the courts of justice and institutions of government, that the public eye has become the steady and jealous arbiter of all proceedings. We find the door forced upon all transactions of constituted public bodies relating to the affairs and interests of a corporation or a parish. The most recent instances in which the principle has been vindicated by law or established by statute, in compliance with the demands of the people, will readily suggest themselves to the reader.

The ballot, then, is not indigenous in England. Those who advocate it admit that it is an exotic; and that its first growth was Greek we are told by a gentleman of unique erudition in the Sclavonic. "The Ballot," says Dr. Bowring, in the debate of 1835, "is not a thing of modern invention, it existed "in ancient times; we know it was practised among the Greeks "and Romans; it was one of their great political discoveries. "Forgotten in days of barbarism, it was re-produced when "philosophy and knowledge became the handmaids of political "emancipation It seems to accompany every progress in the "path of political experience, and to associate as it were of "necessity with popular influence. It was introduced into the "provinces of the United States one by one, after duly weighing its value and its efficacy, and now it prevails in almost "all of them, because it has been found successful. It forms "a part of the representative code of France; and it is found, "I say so from my own knowledge, practicable and efficient "there; and I doubt whether ten men in the chamber of "deputies would be found to deny its benefit, or whether one

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" would be found to deny its practicability. It was introduced " into Spain with a suffrage almost universal, into Portugal " and into Italy, and it exists in Belgium. It has been " adopted in almost every country where there is a representa- " tive government and has never been abandoned when once " firmly established. Why? Because it has been discovered " to afford an undenied and undoubted protection to the " elector. It is the result of the widest observation, the most " extensive experience."

We should not presume to gainsay the authority of Doctor Bowring as translator of the poetry of the Magyars or call in question the licence with which he pours out his inspirations like a great popular preacher through the medium of unknown tongues!—but we submit to the learned Doctor that he has no right to take the same liberties with " what was practised among the Greeks and Romans," whose practices and languages are ordinarily taught in our colleges and schools.

To begin with the Greeks and with the Athenians, who were Greeks pre-eminently;—neither the ballot nor secrecy prevailed in the processes of their jurisprudence or government. Their procedure, civil and criminal, was conducted vivâ voce and before the public. We will dispense ourselves from the formality or pedantry of quoting Greek, and give an authority more popular and equally good, for he cites the originals; " pendant la plaidoirie," says the author of the voyage d'Anacharsis, "les témoins appellés font tout haut leurs " dépositions, car dans l'ordre criminel, comme dans l'ordre " civil, il est de règle que l'instruction soit publique." It is true that the judges deposited individually their judgments by billets in urns placed for the purpose, but this was an arrangement of convenience not of secrecy, suggested perhaps by the number of the Athenian judges. There were two urns on each trial, one of which acquitted, the other condemned; and the urn into which each judge threw his billet proclaimed his judgment as openly as if he had uttered it with his lips*.

* La manière dont les Heliastes donnoient leurs suffrages est digne de remarque. Il y avoit sur une sorte de vaisseau tissu d'ozier, deux urnes, l'une de cuivre, l'autre de bois. Sur leur couvercle était une fente garnie d'un quarré long, large par le haut, et étroit par le bas, par où l'on jettoit les suffrages. Dans l'urne de bois se jettoient les suffrages de la condamnation de l'accusé; et dans celle de cuivre, étoient mis ceux de son absolution.

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But the Athenian mode of making laws, passing resolutions to be carried into effect by the executive government, and electing the magistrates of the republic is more to the point. Was this done by secret ballot? The Athenians, so far from enacting their laws, or passing their resolutions, or electing their magistrates by secret ballot, performed these operations by the old, honest, English mode of a show of hands. We will again dispense ourselves from citing Greek, but produce two out of many sufficient authorities of modern times; "Sans doute," says Montesquieu, "que lorsque le peuple donne les suffrages "ils doivent être publique (à Athènes on levait les mains), et "ceci doit être regardé comme une loi fondamentale de la "démocratie." Again, "Le peuple," says the author of the Les Mœurs et les Usages des Grecs, "opinait par l'extension des "mains, c'est à dire que chacun donnait son suffrage par l'ex-"tension des mains."

It should be stated, however, that the Athenians sometimes voted by ballot to be ascertained by subsequent scrutiny. The writer last cited, continues to say,—"Et quelquefois par "des Bulletins qu'il recevait en entrant par une barrière et qu'il "rendait en sortant par une autre où il recevait les oboles "du droit d'assistance." It is obvious that here again voting by billet was adopted for convenience, without any contemplation of secrecy or means of ensuring it. We have not only the record of the publicity of the suffrage at Athens, but the reason also. "Le peuple," says Montesquieu, "dans la démocratie "est en certain égards le monarque. Il ne peut être "monarque que par des suffrages." This is in other words a definition of the sovereignty of the people, the vital principle of democracy. But what is the consequence drawn from it by Montesquieu, and sanctioned by common reason? Is it that this sovereignty should be exercised irresponsibly and secretly? Far from it. It is that it should be open as day to the light of reason, and the force of persuasion and opinion. No particular argument need be urged in support of a proposition so obviously true on the face of it. Why should the democracy, that is the majority, exercise over the minority a secret and irresponsible sovereign power which is denied to an aristocracy, an oligarchy, or a monarchy? But Montesquieu gives the reason as well as states the fact. "Il faut," says he, "que le

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" peuple soit éclairé par les principes et contenu par la " gravité de certaines personnes. *Ainsi dans la république* " *Romaine en rendant les suffrages secrets on detruisait* " *tout.* Il ne fut plus possible d'éclairer une populace qui se " perdait."

But we are perhaps wasting the time, at least of the informed, in showing that secret ballot had little or nothing to do with the principles and practice of Greek institutions. The voters it is true on certain occasions inscribed their votes sometimes upon leaves, sometimes upon shells, and deposited them in urns: but this arrangement of convenience did not imply secrecy, and perhaps a sort of blundering association, originating in ignorance and propagated by quackery, has identified the process with the secret ballot.

The mention of voting by shells leads to the Greek law of ostracism, of which many people speak and write without understanding its character or knowing its intent. It is true that ostracism was a mode of voting by ballot, but it was suggested by its purpose and not to ensure secrecy. The intention of this law was, to guard against the evils which might result from the attempt of any individual citizen to avail himself of his talents, his popularity, his ambition, or his virtues for the attainment of a superiority over his fellow-citizens inconsistent with the equal liberty of the republic. No particular individual it should be remembered was put upon his trial. Each citizen was required to give in the name of him whose presence he regarded as most dangerous to the republican equality of the state, and the sentence of exile was passed upon the person designated by a majority of votes. It is clear that the most obvious, if not the only mode of proceeding in such a case was by each voter's giving in the name of the citizen whom he looked on as most dangerous inscribed upon a billet. But it does not appear that there was any purpose of secrecy, or any precaution for its being preserved. This seems borne out not alone negatively but by a positive fact.

The most famous case of banishment by ostracism, is that of Aristides, and the fact is not more known than the whimsical incident by which it is distinguished. A citizen of humble condition happening to be placed near Aristides, without knowing him, in the assembly, asked him to write the name of

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the person whom he would exile upon his shell, and dictated to him that of Aristides. "What," said Aristides, "has he done "to offend you?" "I am tired," said the voter, "of hearing "him called the just;" and his complaisant neighbour signed his own banishment. This story, whether true or false, coupled with the purpose already stated of the law, proves that secrecy, even in the ostracism, was neither required nor observed.

The character of this famous law of the Greek republics, by the way, seems as much misunderstood as the mode of proceeding. Faction, intrigue, envy and calumny doubtless took advantage of it. What law is beyond their reach? And Aristides is said to have been banished through the secret enmity and arts of Themistocles. But the vote was a homage to the glory even of the exiled citizen. And though the period of exile was ten years, the proscribed citizen was sometimes recalled, as in the case of Aristides. Ostracism is justly described by Aristotle, and after him by Montesquieu, as illustrating the mild genius of republican government. A sentence even of exile could scarcely be called a punishment, when it covered its object with glory. So much was it considered a mark of honour*, not of punishment, that upon its being applied to a person without merit at Athens, it was discontinued by the Athenians, according to Plutarch†.

These last observations may appear irrelevant to the immediate subject, and we have made them only in a spirit of fairness, to show that the ostracism of the Greeks affords no argument for or against the vote by ballot. There is no analogy between our condition, social and political, and that of the ancient republics, to make it available either way in argument. We will only add, that there appears an awkward fatality in Doctor Bowring's transactions with the Greeks, both ancient and modern, and come to his mode of dealing with the Romans.

The ballot, according to him, was one of their great political discoveries. Whether he assigns the merit of discovery to the

* Among the illustrious persons banished by ostracism, were Themistocles, Alcibiades, Conon, Timoleon, Iphicrates, Chabrias. "C'était," says Montesquieu, "une loi admirable que celle qui prevenait les mauvais effets que "pouvait produire la gloire d'un citoyen en le comblant d'une nouvelle gloire."

† Life of Aristides.

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Greeks or Romans, or both, is not apparent, and scarcely worthy inquiring. We have shown that it did not prevail in Athenian polity, and even if it had so prevailed, it would be no argument for its adoption in any modern nation. Election by drawing lots was a practice much more prevalent in Athens, and more characteristic of the jealous spirit of equality among the Athenians. The judges were appointed by lot, under one of the laws of Solon, and it was by judges so appointed that Socrates was condemned.

If the Romans borrowed the ballot from the Greeks, this, like some Greek loans of more recent date, was made to answer the purpose of knavery and corruption. One fact is worth observing, that the ballot was not imported from Greece among the laws of the twelve tables, when wisdom, virtue and simplicity presided over Roman legislation.

Every person acquainted with the constitutional history and practice of that famous republic, must know that the people gave their suffrage openly in the forum, in the comitia, whether by tribes or centuries, until Roman virtue and patriotism gave way to corruption and intrigue, and nothing remained of the republic but its name and power. Livy records the annual comitia or elections with so much brevity and in such general terms, that his authority is nowhere precise; but the words "dicti" and "nominati," applied to the consuls, prætors and other annual magistrates, supply a conclusive implication of vivâ voce suffrage. The fact indeed is expressly stated by Cicero, when he says that the same officer (rogator) who formerly took the elector's vote or voice, now took his ballot, under the ballot law *lex tabellaria**.

According to Cicero the ballot was introduced in the decline of the republic, and accelerated its fall. The object was certainly to meet the influence of the nobles over the plebeians. The result was the direct contrary in Rome, and so it would be in England, as we shall presently show. The authority of Cicero is followed implicitly by the author of the "Spirit of Laws." "Les loix," says he, "qui les rendirent "secrets (the suffrages) dans les derniers temps de la répub- "lique Romaine furent une des grandes causes de sa chute;"

* De Divin. 1. 17. 2. 35.; and de Naturâ Deorum, 2. 4.

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But the remnant of Roman virtue struggled against this delusive innovation. The suffrages were still given vivâ voce, where the people would do honour to a candidate of pre-eminent worth. "You elected me," says Cicero, "not with "the crouching liberty of the ballot, but with your free "voices."

"Forgotten," says the learned Doctor, "in days of bar-"barism, it was reproduced when philosophy and knowledge "became the handmaids of political emancipation." Some men have a talent truly surprising for bold assertion. The ballot so far from being forgotten in the barbarism of the middle ages, was carried to its most vicious and wicked perfection. The generality of readers will anticipate that we allude to Venice. During the earlier periods of the history and government of Venice, the doge was elected by the voices of the whole people, in the same popular and open manner in which the chiefs were elected by the contiguous Teutonic communities above the Adriatic. It seems doubtful, and is not determined, we believe, even by Daru, at what period the great council extinguished the suffrage of the people and vested the elective power in an oligarchy, to be exercised by a complicated mixed scheme of drawn lots and secret ballot. The result was the concentration of all power in the "council of ten," acting secretly and irresponsibly, and the still more terrible and mysterious magistracy of the three inquisitors of state, who, to adopt in substance the delineation of them by Daru, saw every thing, pardoned nothing, allowed neither its authority nor its origin to be inquired into, or its acts to be observed upon; whose procedure was so arbitrary and executions so mysterious, that no trace remained even of the blood shed. It is true that the Venetian government was an engine of singular capacity and force, in small compass, for offence and defence; but no engine has been contrived to exert, in the same compass, more force than the rack.

The growth of the Italian republics was certainly a new epoch in the progress of reason and freedom. But Venice, a tyrannic oligarchy, should not be reckoned among them, otherwise than as an independent and powerful Italian state.

* Meis comitiis, non tabellam vindicem tacitæ libertatis, sed vocem vivam tulistis.

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It affords analogies of tyranny, not of freedom. But the constitutional practice of the other great cities which flourished in the arts of war and peace—above all, in that which may be assigned to both—the art of free government, has a strong bearing upon the question of the ballot. We will not undertake to assert, that the secret ballot was confined to Venice. But we are authorised in presuming the fact to be so, from the association of the secret ballot with Venice exclusively. Florence was regarded as the Athens of the Italian republics, as the cradle of art, literature, philosophy and freedom. Now in glancing over the "Istorie Fiorentine" of Machiavelli, we find no mention of the vote by secret ballot; but it appears, both from his "Istorie Fiorentine," and from Sismondi's "Italian Republics," that the Florentine magistrates, whilst Florence was a democracy, were taken by lot, as in some cases under the law of Solon at Athens, but subject, according to the Athenian practice, to a revision of their lives and characters as to their competency.

In fine, it would appear that the Florentines, in their jealousy of popular liberty and equality, practised like the Athenians, in certain processes, drawing lots, or what the Romans, who also practised it, called Sortitio; but that the suffrage by choice was open and responsible.

Doctor Bowring having passed without notice over the antagonist example of Venice, the popular and open suffrages of Florence, the burgher elections of the United Provinces, when they had thrown off the yoke of Spain, conducted so far as we can collect from Sir William Temple and Basnage, by open voting, not by secret ballot, makes a great stride from the Roman republic to that of the United States of America. The ballot is certainly established by law in most states of the union.

But what is the real fact in America? It is that the suffrage is secret formally, but open virtually. Scarcely a man in America conceals, or affects to conceal, for what candidate he votes. It is a prevailing opinion that in America the minority is overawed or oppressed by the majority, and this opinion has got into a sort of vogue since its promulgation by M. Tocqueville. That ingenious speculator often imposes generalizations for philosophy. Of the many questionable dicta which he has

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put forth in his book, we have found this the most frequently questioned and contradicted. If the majority takes from the minority all freedom of opinion, it must be by the agency of some means. What are those means? In America, speech and the press are free, the one to a degree of frankness, which fastidious people would call rude; the other to a degree of personality and licence which has been called uncivilised, and protecting laws are in full efficacy. Again, how is this opinion of the minority compatible with the frequent, open and violent divisions of party, provoked by the agitation of public questions and the contests of public men? The example of the ballot in America has an air of plausible impartiality, as if it proved secret voting a sanctuary against oppression or intimidation by a mob, as it would be here against an individual making undue advantage of his superior station and power. But what is the real state of the matter in America? It is that as a protection against the popular majority it is not needed, and that the Americans, inheriting the spirit and character of their British ancestors and of British freedom, disdain to avail themselves of an uncongenial and debasing refuge. In America there are no neutrals, every man, speaking generally, values and gives his suffrage as a public right and public duty; and in all contested elections, where party feeling runs high, every man's vote is known from the part taken by him in the preliminary meetings of sectional committees, or from his conversation with his neighbours, or from the colours or other emblems of the party which he prefers. It is said the American states in their periodical revisions of their constitutional laws, pronounce in favour of the ballot by continuing its use. The answer is obvious, it is stripped of its secrecy, the point in dispute, and there is, therefore, no reason to depart from a mode of voting which is found easy and expeditious in taking the suffrages. But further, if the states in which the ballot was originally adopted, continue it, those states which preferred suffrage vivâ voce have not changed it for the ballot, and the balance of argument is even.

We have heard, indeed, that the effect of the ballot in America, so far as it has any effect at all, is to afford a cloak for corruption; and some reflecting and informed Americans

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are disposed to resort to the suffrage vivâ voce as a check upon the growth of the evil.

Among the more modern examples, that of France alone is worth notice. To talk of deriving lessons of experience from the expired or embryo representative systems of Italy, Spain and Belgium, is the sublime of quackery in political deliberation. Even in France there is still scarcely a settled electoral system, and the representative system has hardly yet taken root there. These were first elective by three successive stages in a rising scale, then the election by direct vote, and for some time the suffrage vivâ voce went on concurrently at the discretion of the voter with the secret ballot; and it was not, we believe, till after the restoration that it was decided by authority that the secrecy in voting was compulsory. That the secret ballot in France gives liberty of opinion to the elector, is certain; but this only proves that he has not the inward sentiment of exercising his franchise as an independent right. He views or rather feels any act of opposition to those in authority as an offence for which he might be punished, and to be performed with safety only by stealth. So impressed is a Frenchman with the notion that censure of the government is a political offence, that the state prisons in Paris would be still described by the people as " prisons pour les opinions."

There is doubtless in the coffee houses of Paris, and the other great towns of France, much political *bavardage*, but the French have no idea of a popular meeting, like those of England, passing resolutions in censure or support of a particular measure, or the general policy of an administration. It is not that the French are not capable of manifesting that censure and resentment very fearlessly, but their only notion of an expression of popular opinion is by a riotous assemblage. They are the rural electors, and those of the smaller towns who particularly want the protection of the ballot. Those electors in the mass have not yet arrived at the knowledge of their right of free speech and free action within the law, and the departments of France are covered with a host of government placemen, from the prefect downwards, under whose eyes a constituency, unused to freedom, would not vote independently. With all this we believe that open voting at elections would, ultimately, benefit even France, and we have heard the

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opinion expressed by Frenchmen, who looked to it as part of the political education of the people in the knowledge of their rights. But they are not the electors alone who vote by ballot in France. It is the settled practice in the Chamber of Deputies. The opinion, and in general the votes of each member, are nevertheless well known from his seat on the left, right, or centre, or by minuter shades from his place on the right or left wing of these divisions of the Chamber. The only effect or use of the vote, by dropping balls into a balloting box, is to allow some court placeman in the Chamber to consult his conscience, or some less worthy private motive, as it sometimes happens, and keep his place. Is there then, we ask, in the employment of the ballot by the French, any thing to warrant its adoption in England? Is there in the case of any of the other nations or governments, modern or ancient, over which we have glanced in passing, any thing in the experience and effects of suffrage by secret ballot, or any analogy in the circumstances of those nations compared with the actual state of England, to give the least colour of argument for the adoption of this alien practice? Is there not, on the contrary, the strongest evidence that the secret ballot is vicious in principle and injurious in effect?

We will now glance over this proposed or pretended reform in the abstract, and in its bearing upon the circumstances of the country and the habits of the people.

Mr. Grote is the Coryphæus of the ballot. It may be well to take from his elaborate speech of 1835 a few of his leading views, arguments and predictions. We will not follow his language literally in full, but in taking the substance, it is our purpose to meet him fairly.

The question is well reduced and condensed by Mr. Grote, within the relations of landlord and tenant, tradesmen and customers. The voter in the one case is exposed to ejectment from his holding, or to oppression, or vexation, where he cannot be ejected. In the other he is exposed to exclusive dealing, or the desertion of his customer. The ballot would remove this conflict between conscience and interest,—and the elector would no longer be exposed to the condition of acting against his conscience by what may be called a compulsory vote,—or abandoning a right by absenting himself, or in fine,

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sacrificing his interest to his duty. We will first observe that this conflict between interest and duty is unavoidable in human affairs, as the world is constructed,—next, that the advocates of the ballot are egregiously in error, when they assume that a man's electoral conscience, like his religious, is entirely a matter between himself and his God. This was emphatically asserted in the recent debate by Mr. O'Connell.

To prove that this is a mistake, not only in political ethics but in constitutional law, it will suffice to state that the franchise, so far from being a matter of private right, cannot be exercised or disposed of by the possessor wth the same dominion which he has over the disposal of the money in his purse. Every abuse of the franchise, every diversion of it from its due purpose, is guarded against with jealous care by legal penalties,—and this supplies the conclusive implication that it is a trust for the benefit, not of the elector, but of society at large.

The motive of those who maintain that the elector's vote is a matter absolutely private and personal, is to meet the argument, that the vote is a trust for which the voter is responsible to the non-electors, and which therefore should be given openly, not secretly. We go further, and maintain that the franchise is a trust, for the performance of which the individual elector is responsible to the community of which he is a member.

We will suppose the person having failed in the attempt to influence or intimidate a voter who is his tradesman or tenant, avenging himself by his means of injury within the law of the land. But there is another law which one of the greatest of English philosophers* has placed by the side of law and religion as the controller of human actions, the law of opinion, which interposes between the oppressor and the oppressed. There is again another safeguard, the public sympathy, which rallies round the victim to conscience and a public cause. Every act of persecution or vengeance will thus recoil upon the oppressor, in the contempt, disgust or execration of the public at large, where the matter obtains notoriety; of his vicinage where the matter is more private: and the elector's vote, with his religion, will in time be respected as sacred.

* Locke, Essay on the Human Understanding.

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The party violence and political feuds generated by elections would, it is argued, disappear before the ballot. We doubt this result, and even admitting, we should deprecate it. It is by such agitating discussions, such stirring of the faculties and the passions, such collisions of parties and principles as our elections call forth, that the fearless love of English right, and truth and liberty is preserved—that the cardinal principles of free government are perpetuated and diffused—that the popular mind retains its force and elasticity, and public virtue is refreshed and invigorated*.

The third grand benefit predicted from the ballot is the extinction of bribery and corruption.

No one we are told will bribe a voter who is left at liberty by the ballot, to keep or break his pledge beyond the reach of detection. What warrant is there of inference or analogy that it will produce this or indeed any beneficial result? Let us examine for a moment what is likely to be its operations in their main branches.

Secrecy is the essential virtue of the ballot upon which its advocates rely.

We will show that whether as to secrecy it succeeds or fails the consequences will be pernicious, and that more pernicious would be those of its success. One of the chief results of the suffrage vivâ voce is that the constituencies

* "Io non voglio mancare di discorrere sopra questi tumulti che furono in Roma dalla morte de' Tarquinj alla creazione de' Tribuni; e dipoi sopra alcune altre cose contro la opinione di molti, che dicono, Roma essere stata una repubblica tumultuaria, e piena di tanta confusione, che se la buona fortuna e la virtù militare non avesse supplito a' loro difetti, sarebbe stata inferiore ad ogni altra repubblica. Io non posso negare, che la fortuna e la milizia non fussero cagioni dell' imperio Romano; ma e' mi pare bene che costoro non si avveggano, che dove è buona milizia conviene che sia buono ordine, e rade volte anco occorre, che non vi sia buona fortuna. Ma vegniamo agli altri particolari di quella città. Io dico, che coloro che dannano i tumulti tra i nobili e la plebe mi pare che biasimino quelle cose che furono prima cagione di tenere libera Roma, e che considerino più a' romori ed alle grida che di tali tumulti nascevano, che a' buoni effetti che quelli partorivano: e che non considerino, come e' sono in ogni repubblica duoi umori diversi, quello del popolo e quello de' grandi; e come tutte le leggi che si fanno in favore della libertà, nascono dalla disunione loro, come facilmente si può vedere essere seguito in Roma; perchè da' Tarquinj ai Gracchi, che furono più di trecento anni, i tumulti di Roma rade volte partorivano esilio, e radissime sangue."—Machiavel, Discorsi. lib. i. cap. 4.

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vote by masses, and it is upon the action of the people in masses that popular power wholly depends. In masses the sentiments of justice, of generosity, of disinterestedness predominate. In masses that strong motive of human action, the regard to good repute, exerts its full force. In masses the impulses of others, courage, public spirit and love of freedom communicate themselves by electric sympathy, to the weak and wavering, and shame the selfish and unprincipled. The very practice of open canvass and solicitation so far from being injurious, is salutary in the same manner. In all open canvass the candidate rests his pretensions on his public principles, his political party, his public character, this is an appeal to public before private consideration in the disposal of the elector's vote. "Le "malheur d'une république," says Montesquieu, "c'est "lorsque il n'y a plus de brigues, et cela arrive lorsque on a "corrompu le peuple à prix d'argent. Il devient de sang "froid, il s'affectionne à l'argent, mais il ne s'affectionne plus "aux affaires! Sans souci du gouvernement et de ce qu'on y "propose il attend tranquillement son salaire." The author of the spirit of laws had in retrospect the effect of the leges tabellariæ upon the Roman republic when it displaced from the forum the vivâ voce suffrage, with its strife and passions.

Now the immediate and morally certain effect of the secret vote in England would be to resolve the constituency from masses, with all their advantages above stated, into units in which the selfish would predominate, in which the motives of personal and private interest are relieved of all control and removed from all the incentives to public and private virtue, and above all to spread an universal darkness, under cover of which bribery would be practised by wholesale.

It is an idle argument that the briber would have no security for the performance of the corrupt service. We will not rest upon the answer, though it is not without weight, that there is among accomplices in guilt, a sort of good faith, which would itself be a security—that these transactions would take place under the sanction of a sort of spurious honour. Who does not know that "transactions in honour" was the delicate phrase for the traffic in seats before the Reform Bill?

But considering the state of systematic organisation to which election bribery has arrived in this country, and the perfection

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of ingenious roguery with which election agents, both professional, and expert amateurs, can ensure the elector's vote as the consideration of the bribe, is it to be supposed for a moment that ways will not be found to make the wages dependant on the commission of the sin? Without pretending to be very deep in this mystery, we could readily imagine a proceeding by which full security would be obtained. One of the very first and most obvious consequences of secret voting would be that the corrupt members of the constituency would form themselves into sections or clubs, trafficking for their votes by wholesale, through their organs or agents, or some intermediary agent with the candidate.

If this has taken place in some profligate constituencies in the light of the vivâ voce suffrage, how much more likely when the suffrage is given in the dark? It is then that constituencies would arrive at the selfish corruption of the Roman people in the decay of the republic, depicted with the graphic truth of the pencil of Montesquieu. We should have neither popular meetings nor haranguing demagogues; no party violence, not even the disinterestedness of political faction—no partisans shouting for Tories, Whigs or Radicals—no concern with the party or principles of the candidate, or any other of his virtues, but his means and measure of corruption. We should have in short prudent, orderly constituencies estimating the franchise by its money price, going to the hustings or staying away, as a matter of profit or loss, indifferent alike to what was done by the parliament or ministry, and quietly pocketing the wages of corruption. We are supposing for argument, not admitting as probable, that the ballot would ensure secrecy.

An argument for the ballot is frequently drawn from the domestic analogy of social clubs and some great mercantile corporations. The analogy is altogether and even obviously delusive. To take the case of a candidate for admission to a club—it is not a question of avowed politics or party between him and other candidates for political power, but a question of personal worthiness to be admitted of a certain society, and a rejecting vote is a rankling insult which would lead to extreme resentments. Here then secret voting is obviously necessary for the freedom of election and the concord of the club. The

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argument from other corporate institutions is equally wide of truth. Supposing the votes of the individuals secret, as in point of fact they are not, the functions of those institutions are insulated and private, involving no public trust, no public principle, bearing upon the government, laws and liberties of the people.

There is a fallacy in these analogies which we are surprised to find escaping so acute and exercised a mind as that of Mr. Grote*. Every person acquainted with the forms of logic as an art, or with correct and precise reasoning without acquaintance with logical technicalities, would know and remember that between two things, of which one is distinguished from the other by what logicians call an essential difference, there can be no analogy. The fallacy consists in founding an analogy upon their agreeing or resembling each other in circumstances indifferent or accidental. Now the essential difference between parliamentary election and all others, is the vital leaning of the former upon our whole polity, but upon the pervading principle of reason, justice and liberty, by which it is sustained; and it is this peculiar element of the electoral suffrage that demands publicity.

It is perhaps descending from a higher and wider ground to urge against secret voting the consideration that it would deprive the legislature of all precise knowledge of what may be called the statistics of public opinion as a guide in legislation.

At present the open suffrage gives the measure of the religious dissenting opinion, the manufacturing opinion, the shipping opinion, the agricultural opinion. Draw the veil of the secret ballot before the exercise of the franchise, and the data upon which to estimate the opinions of these several interests are no longer attainable.

Hitherto we have argued, as we believe with success, certainly with good faith, that if the champions of the ballot were indulged, and secrecy observed to their utmost wishes, the result would be the very opposite of what they seek and predict. But it is our clear conviction that the secrecy upon which they speculate as their basis is unattainable, and by an anomalous peculiarity of this ballot question, the consequence

* See his speeches in 1835 and 1837.

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will be mischief upon either horn of the dilemma, whether the vote continue secret or be divulged. The secrecy of the suffrage, considering the character and habits of the people, we look upon as morally impossible. The more free-spoken and independent electors will take no pains to conceal for whom they voted; others whose interests or circumstances may have disposed them to confine the knowledge within their own breasts, will find it difficult to keep such a guard upon their language as not to betray themselves to their families at their firesides—to their friends and associates at their social and convivial meetings. It is scarcely possible that the secret should not escape in the confidence of the domestic circle of friends, or be extorted under what the Roman poet has called the gentle torture of the bottle. In short, the elector who would guard his vote from discovery, direct or indirect, must interdict himself altogether upon domestic politics, especially the politics of his own borough or county—the only politics in which he is interested. Either his conversation will indicate for whom he voted, or he is placed under the debasing suspicion of thinking one way and voting another.

But the secret of the vote will be wormed out by other and worse means. We are told by the advocates of the ballot that spying emissaries, on the eve of an election, hunt out every quarter from which influence and intimidation may be brought to bear upon the voter. This they say would be obviated by the ballot. We admit the evil; but so far from admitting the ballot as a remedy, we maintain that it would prove a malignant aggravation. Suppose a case in which a candidate of wealth and power, having a majority of promises, finds himself in a minority of votes. What is his first impulse—his first act? It is to send out his spies and emissaries through the constituency, armed with every means of discovering, by threats, promises, disguises and all sorts of artifices, who are the electors that have broken faith. Is it likely that the culprits will escape discovery? The supposition would be childish. Now let us compare the two sorts of espionage, if we may use this alien term, in treating of an alien innovation. In the first case, the elector's political conscience bends to influence or intimidation, or else (we use the strongest term to express his

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electoral independence) defies them. If he sacrifices his principles to his prudence, his means of subsistence, and his fears, the transaction is open, and the excuse accompanies the offence. If he resists dictation and does his honest duty, he provokes violent resentment. Let us now suppose an elector who has promised his vote to the candidate of compulsion, given it to the candidate of his choice, and is detected. The distinctions of casuistry in morals tend for the most part only to bewilder and corrupt. We are, therefore, unwilling to argue that the voter who openly yields up his conscience to extrinsic force, is less culpable than he who, under the shadow of the ballot, secures his interests by perfidy, whilst he follows his inclinations. Suppose him detected, is he not much more despicable than the subservient open voter in the eyes of others and in his own? But once detected, of which we have shown the chances, the resentment which he provokes is far more violent, and, it may be added, more excusable. The man whom he has duped pursues him with a vindictive, rancorous, envenomed sense of wrong. The ballot would thus produce moral debasement and malignant animosities.

The ballot then, whether it succeeds or fails, would be deeply mischievous. It is an experiment from which there is not a chance of good under whatever aspect it be viewed. But if there be one class or party, which would suffer more than another, it is the school of politicians by which it is inculcated. The object generally avowed is, to give new freedom and force to the democracy by placing it beyond the reach of intimidation and corruption by the aristocracy. The ballot laws (leges tabellariæ) are stated by Cicero* to have had precisely the same object, to weaken the power of the nobility over the plebeians. We dwell the more upon Roman analogies from a certain similarity of character allowed by a sort of convention between the English and the Romans, as between the French and the Greeks. According to the advocates of the ballot, it would introduce order and purity in our elections. Popular tumults, political feuds

* De Leg. b. iii . c 16.

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and bribery would disappear. Was this the fruit of the leges tabellariæ at Rome? We will not take upon us to assert, though we think the assertion proveable, that these laws produced civil discord and corruption, and shall confine ourselves to showing that if they are not to be viewed in the relation of cause and effect, at least the latter followed pretty quickly upon the former. Upon referring to the ancient corpus juris Romani and the fasti consulares, we find that the Gabinian law, which appears to have been the first of them, preceded by about forty years the factious and bloody feuds of Marius and Sylla which were the prelude to the civil war of Pompey and Cæsar, the barren sacrifice of the capitol, the defeat of Phillippi, and that unusual sway of popular corruption and debasement which reconciled the republic to the tranquil despotism and perfidious moderation of Augustus. We will not, as we have said, go into the proof of the relation of cause and effect, but we have already cited the authority of Cicero and Montesquieu setting forth expressly that the introduction of the secret suffrage at Rome, hastened the decline of Roman liberty and virtue, and that it is of its essence to operate so in every popular government. Cicero indeed not only censures those laws, but speaks contemptuously of those who introduced them; of those there is not one whose actions or name has floated down the stream of history. The principal ballot laws are called the Gabinian, Papirian and Cassian, and this is the only memorial of the persons from whom they are named. It is uncertain whether the Gabinius, the Papirius and the Cassius who introduced them were selfish and short sighted adventurers, who speculated upon wielding for their ambitious or interested purposes the secret sympathies of a blind populace released from the control of public opinion, and deprived of the example and authority of the virtuous and wise—or persons who honestly sought to diminish the influence of the nobles and secure the independence of the plebeians; but it is plain that their means defeated their ends. Instead of strengthening the democracy they prepared the way for fierce faction—civil war, the tyranny of the dictatorship, and the abject slavery of the empire.

The radical legislators of the ballot, in like manner, if they

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were unfortunate enough to succeed in introducing it, would but cut away the ground from under their own feet. We have not gone, and do not mean to go into the machinery of secret voting. The question is one, not of processes in detail but of great principles. There is however one consideration resulting from the machinery of secret voting which demands notice—the enormous power of falsification which it would place in the hands of the returning officer or scrutineers; a power, the abuse of which would be criminal to the advantage of whatever party, and which would be sure on the whole to be thrown into the scale of wealth, rank and power against the people. But this is trifling compared with the recoil of secrecy upon the popular cause, in its general effect of withdrawing the voters from responsibility to the public eye and sympathy with public feeling. The sub-division of the constituencies into polling districts under the Reform Act prepares the way for this result. The polling districts would be more easily managed and manœuvered by expert masters in election tactics. Those districts, to borrow the phrase of our ballot voting neighbours, would become so many electoral colleges for the more convenient and effectual exercise of undue influence and corruption. The labours of Mr. Grote to bring in the ballot are not so humorous, for Mr. Grote's forte is not humour or pleasantry, as those of the ingenious person represented in one of Hogarth's pictures sawing away with all his might the branch of a tree upon which he is himself sitting: but the radical operation, if less pleasant and whimsical, would prove quite as self-destructive.

It is in Ireland that the recoil of the ballot would prove irretrievably fatal to popular agitation and radicalism. Its effects there would be to withdraw the timid, poor and time serving of the tenantry from, we will not say the domination, but the sweeping force with which they are hurried along by the masses of active and enflamed partisans, and place them once more under the dominion of the landlords. It is well known that the great leader of Irish agitation is strongly opposed to the division of Irish counties into polling districts, as calculated to weaken or destroy the influence of large con-

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gregated masses at the poll in deciding the election. His anticipation of the result is no doubt unerring. How does it escape a person of his experience and sagacity that such precisely would be the effect of the ballot—if not greater in degree? We can account for it only by his complaisance to the English radicals. To us the suicidal operation of the ballot in Ireland appears so plain that we should judge an Irish radical advocating the ballot in good faith, to be about as clear sighted as certain thick skinned and strong shouldered animals, which according to a whimsical notion among the Irish see the wind, and are yet so stupid as to cut their own throats in the act of swimming for their lives or safety.

There is indeed one party or class of persons in Ireland which would dispute or divide the benefits of the secret ballot with the landlord—the Roman Catholic priesthood. It is obvious that the religious rites of the Church of Rome, in particular sacramental confession, would place the moral and political conscience of the Catholic peasantry in the secret exercise of the elective franchise mainly at the disposal of the priests. We mean no slur upon their creed, worship, or personal character, and in treating this or any other question as affecting Ireland we would either discard religious difference altogether, or advert to it only to inculcate the religious as well as political equality of all classes of the Irish people. One of the most constantly flowing and most malignant sources of the deplorable condition of Ireland has been the mixing up adverse dogmas in theology with the interests of political parties and the passions of political factions. But without meaning, we repeat, any imputation on the Irish Catholic clergy, we regard the ballot as inadmissible in Ireland, if for no other reason than the enormous political power which it would give the priests.

Some may reply that they will not abuse it against their country, and the agitators may point to their past conduct as a guarantee.

But it is not the policy of legislation to make laws in confidence; on the contrary, the law maker should presume that to abuse power is the very nature of man, and provide accordingly. Such is the opinion of political philosophers from

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Machiavel* to Montesquieu. The proposition indeed borders so much upon truism that it needs no authority.

Perhaps the Irish agitators will console themselves with the supposition that the power of the Catholic clergy over secret voting would be employed for their benefit. We not only doubt it, but are convinced of the contrary. It is well known to those who have examined closely and on the spot the state of parties in Ireland, that the Irish priesthood is secretly jealous of the domination of the agitators, whilst embarked in the same boat with them. It is in the very nature of the spiritual order. Why then have the priests lent their aid to the lay agitators? Because they are afraid of running counter to the popular passions. The influence of the priests over the peasantry in Ireland is exaggerated and misunderstood. They act and re-act upon each other, and of the two, the priesthood exercises least influence. Let a priest but endeavour to check the current of popular feeling, and he loses himself instanter. When we see him at the head of the people, like their tribune, it is not that he actuates or directs, but he is borne on by the stream. This, and not inclination, is the real bond between the Irish priests and the agitators. Take it away by means of the secret ballot, and the Catholic priest will soon come to a good understanding, dictated by his interest, his pride or his vanity, with the leading landlord, Protestant or Catholic, in his parish or his county. Here, be it observed, we state facts and make inferences without entering into the question whether the severance of the Catholic priesthood and lay agitators, and the restoration of the landlords to their influence over their tenantry, be desirable or otherwise. We would only establish one conclusion, that in England and Ireland, but more particularly in the latter country, the effect of the ballot would be to weaken the democratic, and strengthen the aristocratic power.

In conclusion, is there any thing at this epoch, in the state of

* "Come dimostrano tutti coloro che ragionano del vivere civile, e come ne è piena di esempj ogni istoria, è necessario a chi dispone una repubblica, ed ordina leggi in quella, presupporre tutti gli uomini essere cattivi, e che gli abbiano sempre ad usare la malignità dell' animo loro, qualunque volta ne abbiano libera occasione."—Machiavel, Vol. III., p. 215.

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the nation, of parties, of parliament, or of the government, that demands either the ballot, or any other extraordinary measure, to secure or promote the due exercise of the franchise? Is England like Rome when she took up the ballot, "falling into "the sear and yellow leaf," in public virtue and public liberty? Are aristocratic faction and corruption making alarming inroads upon the democracy of England, or is England just emerging from tyranny to freedom, through revolution, like France, when she adopted the secret suffrage? Can it be forgotten that we are at the epoch of the Reform Bill, the greatest of peaceful revolutions?

We may be reminded, perhaps, of the extraordinary prevalence of undue influence and intimidation in the last election—of the defeat of Lord John Russell in Devonshire, and of cases brought to light and authenticated by the Intimidation Committee. We shall be told of exclusive dealing and ejectment of tenants. It is not necessary to repeat what we have already said upon both these topics. We will only say, first, that the sum of undue influence from menace and corruption, concentrated in the report of the committee, presents itself with some exaggeration of effect; next, that the very excess and violence which characterised the late election, is in itself a proof that no new remedial measure for the alleged purposes of the ballot is called for by the circumstances. What were these extraordinary efforts to influence and intimidate, but the last violent struggle of the landed and other proprietors, noble and ignoble, to retain an influence which was escaping from their grasp? The Reform Bill unmanacled the constituency, and the present crisis, or the late election, only exhibited an expiring struggle to maintain by party artifice, factious violence or corruption, an ascendant hitherto maintained by the tranquil force of social position, favoured by the legal state of the elective franchise.

Is this, we ask, a time for experimental innovation upon the very stamina of parliamentary representation? Is this a time to discard the publicity which pervades every branch of our institutions in jurisprudence and government; the popular meetings of constituencies to express in the face of day their opinions upon the measures of the parliament and adminis-

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tration; the strife of the hustings, for secrecy and the ballot? Is this a time to abandon the vivâ voce suffrage, attended though it may be with the violence of selfish demagogues, the oppressions of petty tyrants, the corrupting influence of wealth —when we see the popular mind arrived by giant strides at an unexampled state of knowledge and privilege, that is, of moral and constitutional power? What is the main cause of this moral and political phenomenon? The vivâ voce suffrage, with its congenial popular assemblies, free speech, and right of petition, which last is but another name for a right of popular censure of the measures of the government and parliament. Are county petitions to be also voted by secret ballot? We would call upon its champions to answer this question. We would further ask them, does the right of petition by popular meetings any where co-exist with the suffrage by secret ballot? America is not an exception, for there the ballot is not practically secret. Are we to abandon all this with Mr. Grote, from boundless confidence in the irresponsibly secret electoral consciences of the several units of a constituency? We will put one question more. Suppose the suffrage by secret ballot had been introduced at the Revolution, should we be arrived at our present state of religious liberality and political reform? These questions supply their respective answers. We think, indeed, that we perceive, since the last debate, a reaction against the ballot. No new fact, no new argument was produced; old arguments were reinforced only by ingenious absurdities. One of the most ingeniously absurd or absurdly ingenious of the novelties of the debate, was Mr. Grote's comparison of the public right to the knowledge of an elector's vote, with a man's reading over his neighbour's shoulder his private letter, or breaking the seal when it was on its way to its destination, as if a public trust were a matter of personal and private interest. The absurdity is indeed so glaring, that it is difficult to express it without a solecism in language.

But do we deny or vindicate, or palliate, any interference with the freedom of the elector's vote? By no means. We only deprecate this proposed safeguard, and look to other corrections of the evil. We put our trust in the recorded expe-

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rience of the past, the encouraging aspect of the present, the auspicious promise of the future, the independent, frank and fearless character of the English people, the free genius of English government, and we hold these far better guarantees of the faithful exercise of the elective franchise than the vote by secret ballot.

Article X.

Memoirs of Lord Bolingbroke.—By G. W. Cooke, Esq. 2 vols.
Lord Brougham's Discourse on Natural Theology. Third Edition: London.

The high rank and station of Lord Bolingbroke, the important political transactions in which he acted a prominent part, the intercourse he maintained with the most distinguished of his literary cotemporaries, the striking vicissitudes of his fortune, and above all, the brilliancy and vigor of his style, have attracted, even to his metaphysical speculations, an attention and deference, to which they otherwise may be thought but imperfectly entitled. Considering, however, the strength and the sagacity of his mind, and the persevering research with which he conducted his inquiries, no one can be otherwise than curious to learn what were the results worked out, by an inquisitive and bold mind, in the course of a protracted and eager investigation.

We have already in a preceding* number of our work taken occasion to present our readers with a summary of his lordship's political tenets and transactions, we now proceed to fill up the picture by placing before them a succinct view of his

* British and Foreign Review, No III.

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metaphysical opinions, moral and religious, and which he has somewhat ostentatiously styled "The First Philosophy*."

The early discomfiture of his ambitious projects, terminating as they did in proscription and exile, tore him reluctantly from those active scenes, which were most congenial to his ardent temperament, and compelled him to have recourse, in his retirement, to such other employments as might soothe the bitterness of disappointment and gratify his irrepressible aspirations after distinction. In the early period of his banishment he gave but a desultory attention to metaphysical speculations, and devoted his mind and pen almost exclusively to political disquisitions,—in other words to affairs in which he had once taken a leading part, and in which he long and fondly cherished the hope, that he might be again permitted to act a no less conspicuous figure. But being foiled in every project, and frustrated in every hope, of regaining his lost ascendancy in the political hemisphere, he at length abandoned the pursuit in despair, and gave his exclusive attention to philosophical investigation—listening as we may well believe, to the stern voice of necessity rather than the persuasion of the poet and friend who invoked him

> "————To leave all meaner things
> To low ambition and the pride of Kings."

It is upon the fruits of those lucubrations, which he entered upon after his return from banishment and his abandonment of public life, about his forty-sixth year, that we now proceed to animadvert. They are contained in his "Letters on History," and "Essays," and "Fragments of Essays." These were not published in his life-time, but were consigned to the charge of Mallet, whom he appointed his literary executor.

It has been made a matter of question and debate, whether or not Bolingbroke ever intended those anti-religious works, which he suppressed during his life, to see the light; and Mallet has been even charged with the crime of sacrificing his own honor and his friend's reputation, to the sordid views of profit, or the desire of dealing a blow against revealed religion.

* If you ask me now, what I understand then by a First Philosophy, my answer will be such as I suppose you are already prepared to receive,—Natural Theology or Theism, and Natural Theology or Ethics.—*Let. to Alex. Pope, Esq.*

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The imputation against Mallet is not at all inconsistent with the character of the man, which was sufficiently cringing, venal and treacherous. But no one can read the "Letters on History," and the "Essays" of Lord Bolingbroke, without being convinced that they were designed for publication—and expressly *posthumous* publication. The virulent invectives with which they abound against certain classes of persons and even some individuals with whom Bolingbroke maintained a free and friendly intercourse, are a sufficient warrant that he never intended them for publication, so long as he should remain obnoxious to the hostility and recrimination they must have excited, and to the accusation which they would have established against him, of maintaining one set of opinions in his social, and another in his literary capacity; while, on the other hand, the language of bitter vituperation in which he has indulged against theologians in the mass and philosophers very generally, shows that he meditated revenge, though posthumous and late, against men who had upheld opinions to which, both in feeling and judgment, he was diametrically opposed. On his lordship therefore must rest the sole responsibility of having bequeathed to the world a set of opinions which he had characterized during his life as "pernicious and detestable;" so that it would not be easy to relieve his character from the sarcasm of Johnson, "that he had loaden a blunderbuss which he had not the cou- "rage to fire off, and therefore hired an assassin to discharge "it after his death."

A large portion of Bolingbroke's philosophical works is engrossed by the refutation of the doctrines of his predecessors, both Christian and Pagan. Before he could erect his own system in the minds of his readers, it was incumbent on him to demolish those which pre-occupied the ground. His first efforts therefore, are directed against revelation generally, and more particularly the Mosaic dispensation and the theological systems which have been constructed from the Christian scriptures. He has chosen to treat the gospel itself and its divine author with the decency of outward respect, but he has assailed St. Paul, and the theologians who have derived their creed from his epistles, with unmeasured contumely, as if they had been equally the corruptors of the religion of Jesus Christ and the religion of nature.

His arguments against revelation in general are, that we

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have already within our reach as much information regarding God and ourselves, as is necessary or even desirable; and, therefore, that any preternatural communication would be superfluous—that certain doctrines advanced in the sacred Scriptures are not consonant to reason, and that the extraordinary announcements are not sufficiently substantiated, or substantiated by miracles, which are "repugnant to expe- "rience." For a full enumeration and refutation of these allegations, we must refer our readers to such writers as Stillingfleet, Clarke, Leland, Butler, Lardner, Paley, Watson, Chalmers, &c. But we may observe, in passing, that of all arguments against revelation, none appears less sustainable than that it is superfluous. If any species of knowledge is valuable, and even necessary for our satisfaction, not to say our guidance, it would seem to be that which informs us whence and how we began to exist; what we are in relation to other beings, and most of all, to the Supreme Being; what our duties are towards him, and what his ultimate destination of ourselves. We applaud the industry and congratulate the success with which natural philosophers have measured the distances, calculated the orbits of the planets and explained the intricacies of the celestial mechanism. But what are these discoveries and results, interesting and magnificent as they are, when compared with the solution of those moral and religious questions, which suggest themselves to the most superficial reflection, but which no human ingenuity has yet been, or ever will be, able to solve. Are our souls immaterial and immortal, or are they material and perishable? Are we under the perpetual superintendence of an Almighty Governor, who regulates every specific event according to his own deliberate will, or are we left to the operation of material laws and second causes without any further care and interference on the part of our Creator? Are we here in a state of discipline and probation, preparatory to our passing into an eternal state of happiness or misery, or are we to look forward to death as the final extinction of our sentient existence?

If we are to have a conclusive and incontrovertible solution of these problems, it must be, we apprehend, by some supernatural communication. And although that communication should be verified by miracles which are "repugnant to

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experience," or should comprise other announcements, which we neither anticipated nor desired; it is on such grounds alone to be rejected. Indeed it is easy to conceive by what means, not miraculous, a divine communication could be imparted or attested; and if that attestation be substantiated by undeniable testimony, we ought not to withhold our assent to any declarations which are not plainly contradictory of our absolute knowledge and experience. Of this Bolingbroke seems to have been aware; and therefore has bestowed much pains in attempting to subvert the foundations upon which the historical evidence of Scripture rests. His main attack has been directed against the Pentateuch. He has endeavoured to show that its pretensions to be the production of Moses, the lawgiver of the Jews, are not supported by any competent external evidence, and that the nature of its contents is of itself sufficient to disprove its divine origin.

But it would seem to be a very bold and even desperate attempt to prove Moses to be an imaginary lawgiver, or the code of laws passing under his name to be a forgery. It has every internal mark that could be imagined, of being the authentic production of an actual lawgiver, at the period which it imports. It has exerted all the influence, and has been followed by all the consequences (as far as we can ascertain) of a well authenticated and genuine production. Its existence in full authority, from the date assigned to it, will account for the social condition of the Jews under all their political vicissitudes, and all the social or anti-social phases they have presented from their Exodus to this hour, and which cannot be accounted for under any other supposition. It is a groundless insinuation against its authenticity, which Bolingbroke makes, that divines have no earlier or better external evidence to produce, than that of Josephus and Eusebius. The truth is, that whatever remains there are of Hebrew literature, they all are pregnant with such testimony. Of these domestic witnesses there is a regular series, consisting of historians, prophets, poets and commentators, following each other at successive and moderate intervals, from the age of Moses down to the Christian era.

Who can read those sacred lyric hymns, for instance, which are ascribed to David, composed, many of them at least, within the

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first four centuries after the promulgation of the law, or those poetical works written by a succession of authors down to the fifth century before Christ, and doubt that the writers lived under such a dispensation as the Pentateuch developes, and that they at least had an undoubting conviction that Moses was its author?

It is true that much collateral evidence is not to be derived from the Greek and Roman writers. They had very few occasions for alluding to Hebrew affairs. But whenever they are led to make such allusions*, although they viewed the Jews with contempt and spoke of them with aversion, they amply confirm the accounts which native writers give of the origin and condition of their commonwealth. Lord Bolingbroke is so unreasonable as to call for cotemporary testimony: but when it is considered that Moses lived a thousand years before the earliest Greek historian extant, and still longer before the earliest Roman writer that has come down to us, such a demand may be considered as made ironically rather than seriously.

His most fierce and confident attacks, however, are reserved for the internal contents of the Pentateuch. These attacks are mainly directed against what he calls "the injustice and cruelty" of the proceedings which it sanctions, both against the aboriginal inhabitants of Palestine, and such of the Jews as transgressed their own fundamental laws. It is on this topic that he assumes the bold and triumphant language of un-

* There are many exceptions, however, among the pagan historians, to this contemptuous manner of speaking of the Hebrew character. Strabo, for instance, the most impartial, judicious and faithful of all the Greek writers, gives a very favourable and apparently candid account of the Jewish nation. He attributes the cause of Moses leaving Egypt to his being dissatisfied with the erroneous conceptions of God and the worship due to him, that prevailed among the Egyptians, and supposes him to have entertained juster and nobler notions of the Divinity, than the Egyptians, Libyans, or Greeks: that with him went from Egypt a multitude that honoured the Deity, πολλοι τιμωντες το Θειον: that he influenced many good men, and brought them into the country where Jerusalem is built; and that there they continued practising justice, and religious in the truest sense, δικαιοπραγουντες και ευσεβεις ως αληθως οντες: but that subsequently they had degenerated.—*Strabo*, lib. xvi. This testimony is entitled to the more respect, as it is given by an author who lived great part of his life in Crete, and from his proximity to Palestine had the best opportunity of ascertaining from personal inquiry which he conducted on the spot, the truth of the facts which he has stated.

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doubting certainty. "I say," he avers, "that the law of "nature is the law of God. Of this I have the same demon- "strative knowledge, that I have of the existence of God, the "all-perfect Being. I say that the all-perfect Being cannot "contradict himself. That he would contradict himself, if "the laws contained in the thirteenth chapter of Deuteronomy, "to mention no others here, were his laws, since they contra- "dict those of his nature, and therefore, that they are not his "laws. Of all this I have as certain, as intuitive knowledge, "as I have that two and two are equal to four, or that the "whole is bigger than a part." We shall not contend that this objection has no force. On the other hand, we look upon it as the most forcible of all those adduced by Bolingbroke and others of his school; and of this his lordship was well aware. But we do not think it so unanswerable as to justify the peremptory conclusion which has been drawn from it. That a stronger nation should expel a weaker is a proceeding that cannot in any strictness of speech be said to contradict a law of nature. If so, the whole, or nearly the whole of the civilized world is at this day peopled by its actual inhabitants contrary to a law of nature; and their being so civilized is the direct consequence of this contravention of the law of nature, for it is clearly the direct consequence of the stronger having triumphed over the weaker and possessed themselves of their territory. We by no means intend to palliate any "injustice or cruelty" that the invaders may have inflicted upon feebler and unoffending nations. But it is so much in conformity with ordinary experience to see the weaker race fall under the oppression of the stronger, throughout the whole extent of animal existence, the human family included, that we cannot characterise any individual instance of it, although attended with circumstances of great cruelty, as "contradictory of the laws of nature." But in the case of the extermination of the Canaanites by the Hebrews, another principle must be taken into consideration. Upon the very same authority that we come to know that God commanded the Israelites to extirpate the Canaanites, we are informed that the latter were sunk in the deepest depravity, both religious and moral. Now if we turn our eyes back upon the history of all past ages, as far as any records exist, we shall see the *rule*, or

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law, by which the fates and fortunes of all the great nations of antiquity have been decided, is, that the degenerate and depraved, and therefore weak, have been exterminated by the more sound and virtuous, and therefore more valorous and powerful races. This has been, in all times past, so uniformly the issue, that one cannot help coming to the conclusion, that it was the design of Providence that it should be so, and that it is the consequence of some "law," either general or special, established by the Almighty Ruler; it may be to put a limit to the progressive depravation and consequent wretchedness of human communities. When, therefore, we find a proceeding take place by the express command of God under his especial government, contrary to that which usually occurs under his ordinary providence, it does not seem to be a case for saying, "the all-perfect Being contradicts himself." Would it not be more reasonable to conclude, that the two systems, although differently circumstanced, are in perfect harmony? They are two lines, generated by different and distant causes, but converging to one point and co-effective of the same result.

But what chiefly provokes the indignation of our author is that severely penal enactment of the law which denounces death upon any Israelite that should attempt to seduce another to idolatry, and which calls upon the person so assailed to be "the first to put him to death," although the offender might be his dearest friend or nearest relation. His lordship, however, ought to have recollected that this was the highest offence against the state, both civil and religious, that could be committed*. It was direct treason and rebellion against God, who was not only, as of all other nations, the invisible Lord and Governor, but the immediate Sovereign and Civil Ruler of the Jewish Commonwealth. The Canaanites had paid the forfeit of their country and lives for their vices generally and their idolatrous practices in particular, and to the Jews their territories were conveyed on the express condition of their serving the one true God, and yielding to him an undivided and cordial allegiance. This was the declared object for which he delivered them from Egyptian bondage, took them under his especial and immediate protection, and gave them possession

* Locke on Toleration, pp. 51 and 52.

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of the promised land. Upon these terms, most solemnly ratified, they had accepted it. To adopt, therefore, the very vices and practices on account of which they had been the authorised instruments of destroying the former inhabitants, was a hardihood and depravity which perfectly justified, if anything could, the severest punishment, even death itself; since nothing less could control their propensity to indulge in idolatrous practices, and so defeat the designs of Providence in making them his peculiar people.

We are aware, however, that this species of argument will have very different effects upon different persons. They who, like Bolingbroke, have rejected the authority of revelation and of reason also, as far as they inculcate any direct service or worship of the Supreme Being, will conceive very lightly of the crime of idolatry under any circumstances. Idolatry to such persons is only one species of superstition, of which all religion is the genus. Whereas, they who admit the divine origin of revelation and look upon divine worship as the highest and most indispensable duty, see in idolatry the greatest insult and outrage that can be committed against God, and think it deserving the severest punishment, especially when committed against conscientious convictions and in defiance of the known and direct prohibitions of the Almighty himself, as was the case with the Jews. The Deist, therefore, will still fall in with the arguments of Bolingbroke, and see little weight in the answers that are given, while the believer and devout worshipper will see no weight in his Lordship's arguments, and scarcely deem them worthy of any formal answer at all.

It is rather singular that Bolingbroke, himself rejecting the doctrine of a future state, should consider the omission of that doctrine an objection fatal to the divine authority of the Mosaic institutes. On the other hand Warburton has chosen to fix upon that very omission as the fundamental and most unequivocal proof of "*The divine Legation of Moses.*" We have no space for entering into a detailed analysis of that most ingenious and learned, we do not say logical and convincing, work. But it would be wrong to omit all mention of an author who was the most formidable and harassing foe that Bolingbroke had to encounter in his whole literary career.

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The argument which Bolingbroke raises on this topic is, that it would be "absurd and impious to ascribe these Mosaic "laws to God, since neither the people of Israel nor their "legislator, perhaps, knew anything of another life, wherein "the crimes committed in this life are punished. If Moses "knew that crimes, and therefore idolatry, one of the greatest, "were to be punished in another life, he deceived the people "in the covenant they made, by his intervention, with God. "If he did not know it, I say it with horror, the conse-"quence according to the hypothesis I oppose, must be that "God deceived both him and them. The conditions of the "covenant were not fully, nor by consequence truly stated. "The Israelites had better things to hope for, and worse to "fear, than those that were expressed in it; and their whole "history seems to show how much need they had of these "additional motives to restrain them from polytheism and "idolatry, and to answer the assumed purposes of Providence. "One cannot see without surprise, a doctrine so useful to all "religions, and therefore incorporated into all systems of "Paganism, left wholly out of that of the Jews."

Both these combatants admit, for the fact is unquestionable, that this doctrine, although accompanied with many idolatrous and superstitious notions and practices, found its way into all the ancient systems both of religion and legislation, that of Moses alone excepted. But from the same acknowledged fact they draw directly opposite conclusions. Warburton then, in his turn, contends that this omission proves that Moses did not stand in need of such a doctrine, either to maintain his own authority or to sanction his political and religious system, because they were established under the superintendence of an extraordinary Providence, who rewarded or punished the nation generally, and individuals especially, in this life. That it would have been impossible, therefore, for a legislator to secure obedience to his laws and respect for a religious system, imposing many severe restrictions and painful ordinances, without holding out the hopes and fears of futurity, if he could not show that their observance was followed by blessings, and their violation by calamities in this life. That as to the "unfairness" of not fully revealing this doctrine, this imputation of Bolingbroke rests upon the assumption that God will

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punish the violations of the Mosaic covenant in a future state, although no such notice is announced—an assumption, it must be confessed, both gratuitous and inadmissible, and opposed to the whole tenor and spirit of the Scriptures, which denounce punishment on them only who violate known and declared duties. Whatever may be said of the "*Divine Legation of* "*Moses*" on the whole, we think our readers will agree with us that the paradox of the bishop is as good as the paralogism of the peer, and with them we leave the decision.

But if we were to search for internal marks of the divine origin of the Mosaic code, we should look for them rather in the just and sublime notions it conveys of the deity and the soundness and purity of its morality—and especially that decided, unhesitating, uncompromising assertion of the unity of the Godhead, so contrasted with the absurd opinions and debasing practices of the nations by which they were surrounded, and more especially of that from which they had recently emerged; above all that it prohibited with such stern rigour the celebration of those superstitious rites to which the people had been familiarised in Egypt, to which they were passionately attached, and from which no adventurer would have succeeded, even had he rashly adventured, to divorce them, in the very commencement of his government, if he had been supported by nothing but his own personal and precarious authority.

We are not going to enter upon so delicate and difficult an operation, as that of balancing the weight of the evidence, either internal or external, against the peculiarity, or as sceptics state the question, the improbability of the doctrines and facts communicated. But we cannot think that any candid estimator will be satisfied, upon inquiry, with Bolingbroke's hypothesis, that Moses was a leader of a mere race of fugitive slaves, forcibly extruded from the country, in which they had been permitted to sojourn till they had become formidable by their numbers, or disgusting from uncleanliness and disease. Is it consistent with historical experience, or even with the nature of things, that a leader, so critically circumstanced, should digest and publish a political and religious system, so complicated and yet so methodical, above all so profoundly and wonderfully calculated to secure its obvious and avowed purpose—the separation of the Jews from every other nation—and the perpetuation of

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the knowledge and worship of the one true God. For we must observe, that the Jews are a separate nation still; and not only have they preserved to this hour among themselves the knowledge of the One God of the Universe, but have been the medium of communicating to all the other nations of the earth, that knowledge, wherever it has hitherto prevailed, uncontaminated with polytheistic errors and idolatrous superstitions.

Or let any one compare the Mosaic law as a whole with any other ancient code, or its fundamental institutions with the essential principles of any other system of religious and civil polity. Compare the decalogue for instance, with the twelve tables of Rome. And yet those tables were drawn up deliberately, at full leisure, by the most enlightened statesmen of Rome, after the Commonwealth had flourished three centuries, with the assistance solemnly invoked of the legislative and jurisprudential experience of the states of Greece, then in the zenith of their glory. Of those tables the Roman annalists and jurists speak accordingly, in terms of the highest admiration. Cicero in particular writes:—"Fremant omnes licet, dicam quod sen-" tio. Bibliothecas mehercule omnium philosophorum unus " mihi videtur duodecim tabularum libellus, si quis legum " fontes et capita viderit, et auctoritatis pondere et utilitatis " ubertate superare."

Yet we find in the table which comprises the regulation of religious worship, such injunctions as these: "Honour the gods " of heaven, not only those who have been esteemed such, but " those likewise whose merit has raised them thither, as Her-" cules, Bacchus, Esculapius, Castor, Pollux and Romulus. " Let commendable qualities be ranked among Gods, as un-" derstanding, virtue, &c., and let temples be erected to them!" Compare these injunctions now with the first precept of the Decalogue, in which the worship of One God, and Him only, is simply but solemnly prescribed, or with the second, in which all use of images is prohibited in divine worship. Again compare the provisions of the Roman tables which legalise and sanction* concubinage, which permit fathers to sell their children, which exclude slaves from a participation

* Mulieris, quæ annum, matrimonii ergo, apud virum remansit, ni tri noctium, usurpandi ergo abescit, usus esto.— *Tab.* xii.

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in the worship of the gods, and refuse them any remission of their daily toil on sacred festivals, with the humane provisions on these heads in the Decalogue, and judge whether that great superiority in point of just conceptions of the Deity, of the treatment due to women, children, strangers and slaves could have been attained by a successful impostor and adventurer, advanced to be the leader of a race of fugitive slaves, without some other sources of intelligence than those of his own barbarous people.

After disposing of the Mosaic dispensation in the way we have mentioned, Bolingbroke turns his force against the Gospel. In this case however the events are too recent, and too well and copiously verified, to be assailed in the aggregate; the cloud of witnesses is too thick to be dispersed by a sparkling jest or well-pointed sophism. He admits that the historical facts are strongly attested; but not sufficiently so, considering the importance and strangeness of the communications. He maintains that we ought to have had either autographs or attested copies of the original scriptures, or at least a perpetual series of miracles to enforce our assent, as it was not possible that traditions derived from the first, and through all the early ages of Christianity, should convey either facts or doctrines down with a due authenticity and precision, unless a continued miracle had subsisted to alter the nature of things, and to produce effects repugnant to their causes. He insinuates also that the evidence adverse to the scripture history, has been designedly destroyed, and that if time had brought to us all the proofs for Christianity and against it, we should have been puzzled by contradictory proofs.

We have here an amusing instance of the power of a pre-conceived opinion to suspend, or rather pervert, the reasoning faculty. His Lordship had taken a decided opinion against the authenticity of the scriptures, therefore he was determined to admit no evidence in their favour, except original autographs or at least attested copies; but as evidence against them, he would be quite satisfied with documents that had ceased to exist, and of which the existence at all was merely hypothetical. We do not mean to say, however, that the alleged inadequacy of evidence has no

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weight, calculated to impress any sound and impartial judgment. It is not to be questioned, that if human reason had been consulted as to the proper amount and kind of testimony, it would have called for it in that measure and kind which would have precluded disputation and even all necessity for research, and which nothing but insanity could have questioned or mere fatuity misapprehended. The proof however is not actually of that self-evident, palpable and irresistible nature. It is very much of the same kind as that by which the remains of pagan writers of the same date are verified, only more ample and cogent in degree. It is to be discovered by research and illustrated by argument, and in the end acquiesced in only by an equitable and unprejudiced understanding. Why it is so may not be very easy dogmatically to decide, although it may be plausibly conjectured, and theologians are in no want of topics, when insisting upon its expediency and moral fitness. This, at least, would seem an unsafe and unwarrantable conclusion, that because statements, deeply affecting our most vital interests, are not verified in the precise measure and form that we could have desired, that they should be rejected without inquiry, or inquired into for the sole purpose of being distorted and refuted.

The sufficiency or insufficiency of evidence, however, would seem to be a question of fact as to any doctrines which have been long promulgated. The experiment then in this case has been made. Multitudes of every age and rank and intellectual proficiency, both close upon, and far removed from, the events, from their first announcement to this time, have found the evidence sufficient, although it is not and never was so palpable and irresistible as to exterminate scepticism and infidelity in every individual of large civil communities. From the first, as now, "some believed the things that were spoken "and some believed not." This did not arise in the first ages, nor does it arise now, we firmly believe, from the different nature or weight of evidence at different periods, but from the different dispositions to which it was presented. There are people, many within the range of our own observation, who consider the testimony of "Moses and the Prophets," amply sufficient to warrant a cordial acceptance of the doctrines of

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the Gospel; while there are others who, we verily believe, would not *be persuaded though one rose from the dead.* We are not wishing to introduce any bigoted or fanatical argument, but it is a fact which naturally presents itself, and is not to be omitted in this part of our inquiry, that the author of the Christian religion expressly foretold that they only would believe his doctrine, who approached it with a child-like simplicity and ingenuousness. No one, after this very explicit and candid declaration, has any right either to be surprised, or complain that the evidence is not of a nature to force conviction on every understanding, since it does not profess to do so, or to wonder, that different characters should pronounce a different verdict upon the same evidence.

That Bolingbroke's mind was not favourably constituted for allowing a fair weight to the argument for revelation will scarcely be denied. With no disposition to detract from the merit of some of his moral and intellectual qualities, his courage, for instance, his warm and steady attachment to his friends, his enlarged views of policy and love of his country, yet, we may say, without hazard of contradiction, that he early formed habits and nourished passions adverse to Christian duties, and then argued himself into metaphysical notions opposed to its doctrines; that he had an overweening confidence in the conclusions of his own understanding; was impatient of contradiction, and inflexible in opinions once formed. He did not love a notion the less because it was not popular, or as he would say, vulgar. He was free to admit a principle of argument in defence of his own views, which he had denounced in the hands of his adversary; and he examined the systems of other men, rather to expose their fallacy than to ascertain their validity. Neither is it unreasonable or uncharitable to suppose that his licentious indulgences inspired him with aversion and horror for the sanctions of religion. "Quæ veræus "Epicurus monogrammos deos et nihil agentes commentus "est."

From minds thus constituted the ranks of sceptics and unbelievers are, and always have been, recruited. Nor would any moderate degree of strength added to the external evidence, we believe, make any sensible difference in their numbers, except the evidence were of such a palpable and intuitive kind as to set all cavil and contradiction at defiance.

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In proportion as Bolingbroke found himself unequal to batter down the outworks of Christianity, has he set himself with the more zeal to discover its inherent improbabilities. He, like his predecessors and imitators of the same school, has assailed with some argument and much sarcasm, the doctrines of incarnation, atonement, divine influence and eternal punishments. We should not deny that these are doctrines which we might not have anticipated *à priori*. But they neither contradict any attribute of the Deity, which we can ascertain by our unaided reason, nor any principle that we see established in the material and visible creation, nor any conclusion at which we can arrive by a fair process of induction; and therefore, like other positions of an unexpected and extraordinary nature, are to be tried and scrutinised by a strict but candid judgment, applied to the evidence by which they are sustained. The reasonableness of this principle is so palpable, that Bolingbroke himself severely rebukes Christian divines for adopting any other in support of their system. "That they should take so much silly pains to establish mys-"tery on metaphysics, revelation on philosophy, and matter-"of fact on abstract reasoning. A religion founded on the "authority of a divine mission, confirmed by prophecies and "miracles, appeals to facts, and the facts must be proved as "all other facts that pass for authentic are proved." This is a fair rule of evidence, but only fair so long as it is observed by both the contending parties. If mysteries are not to be verified, neither ought they to be refuted, by metaphysics. We do not believe that the argument would lose or gain much on either side by this mutual abstinence. But it would have delivered ages past from abundance of exploded trash, which now serves only to crowd the shelves of public libraries, and relieved the present generation from other trash which will be equally exploded in a subsequent age, but which now serves to bewilder the imaginations and perplex the heads of existing students with oppositions of science, falsely so called. "Tel a toujours été," says Voltaire, "le sort de la méta-"physique. On commence par diviner; on passe beaucoup "de temps à disputer, et on finit par douter*."

We have by no means alluded to all the topics which Bolingbroke has handled in his dissertation hostile to revelation.

* Voltaire, Vol. XXXI. Inst. Phys.

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But we have singled out those which appear to us to carry the most weight, and which he himself announced with the greatest confidence. We hasten, before our space is pre-occupied, to lay before our readers that system of religion, founded on metaphysics, which he with great care has elaborated, and bequeathed to the world in his posthumous work, under the name of "First Philosophy," and which he was sanguine enough to suppose would supersede all antecedent systems both of revealed and natural religion.

He guards us, at the outset, against conceiving any extravagant notions of the extent or profundity of his discoveries. "God is hid from us," he says, "in the majesty of his nature, and the little we discover of him must be discovered "by the light that is reflected from *his own* works*. His "reason, however," he says, "has demonstrated to him the "existence of an all perfect and self-existent being, the "source of all existence, invisible and incomprehensible; "the author, not only of all that is visible and comprehensible "to his creatures, but of all that is in the whole extent of "nature, whether visible or comprehensible to them or not†." He believes that the world, comprehending the earth and the whole solar system, had its beginning in time, and was originally created, both in its material elements and specific modifications, by the Supreme Being. That he communicated to it certain immutable laws, from which it has never deviated, and with which he never interferes. That it furnishes unquestionable proofs of his infinite wisdom and power. That the final cause for which the universe was constructed is to us incomprehensible, but that it is probable our earth and its inhabitants are but a subordinate object. "It is impossible," he says, "not to consider the world we inhabit no otherwise "than as a little wheel in our solar system, nor our solar system any otherwise than a little, but larger wheel in the "immense system of the universe." But whether the several species of animals were the final causes of these things, which seem particularly adapted to the use of each, or the world was made such as it is without any regard to them, he leaves undecided, but thinks on either alternative "the proofs

* Vol. V., p. 94. † Vol. IV., p. 399.

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" of divine wisdom and goodness are equally strong." As to divine goodness, however, he speaks rather equivocally, and even inconsistently. " None of the phenomena," he says, " can be strained into a repugnancy to the divine wisdom; " it cannot be disputed that many of them are repugnant to " our ideas of goodness and justice." He looks upon it as great presumption in man to attempt to reconcile the moral and physical evils prevalent in the world to " the ideas of " goodness and holiness;" but that it becomes us " to pro- " nounce, that since there is such a state, it was fit and " right that there should be such a state."

That as to man, he considers him to be created by God and furnished with faculties adapted for the uses of his present life, and nothing more. That he is capable, by the proper use of his reason, of discovering his duties and attaining a relative happiness, moral and physical. That the Creator has so framed the universe that vice should be its own punishment, and virtue its own reward, by a physical necessity; but that there will be no state of reward and punishment in a future world, nor indeed any in this, except what overtakes us in the established course of nature. That we are under no obligation to conciliate the Almighty by prayer or any species of direct worship; that our souls are material and perishable, and that death is the final extinction of our being.

These are the principal positions which he has laboured with great ingenuity and research to establish in his " First " Philosophy." The affirmative terms form but a small fraction of the whole. It is a quantity compounded almost entirely of negatives. No revelation; no providence; no retribution; no spiritual nature; no future existence; no prayer, no worship; no reward for the virtuous; no relief or hope for the afflicted and oppressed, but in that asylum where all things are forgotten. He has indeed left a God *in* the universe, but scarcely *of* the universe; since he has consigned the course of things to the blind operation of mechanical laws; neither has God that goodness which delights to promote the happiness of his creatures, nor justice to reward their fidelity, nor holiness to encourage their virtue; nor providence to superintend their proceedings, and protect them

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from danger and evils, whether deserved on their part or not.

We should have had no great reason to find fault with Bolingbroke, if he had stopped at that point where clear notions end and uncertainty and conjecture begin, and if he had confessed his inability to add any thing to his religious system, after establishing the existence of a God of infinite power and wisdom but of qualified goodness; we are disposed to admit that reason, without the aid of revelation, is not able to proceed much farther in the way of direct demonstration or even moral certainty. But his lordship has gone forward to question the goodness of God, and deny his justice and providence, and dogmatically to pronounce the negative of many doctrines not only of revealed but natural religion, which are supported at least by very probable arguments. For, since it is manifest that God has exerted infinite wisdom and power in the creation of the universe, it is at least probable, we do not say that it is strictly demonstrable but it is highly probable, that he continues to superintend and govern it—much more probable, reasoning à priori, than that he should no sooner create, than cease to regard it. We see that a very large provision is made to supply the wants and promote the enjoyments of man and other sentient inhabitants of the earth, and therefore it is probable that the author of this system delights in the happiness of his creatures, both generally and individually. And although every thing appears to us to be regulated by fixed laws, and we never see them suspended or obstructed by extraordinary interpositions, yet since it is demonstrable that this material globe was created at some remote period, and the progenitors of its present inhabitants at an æra comparatively recent, it is undeniable that such extraordinary interpositions have taken place, and therefore it is probable will be repeated as often as is necessary for making all events conformable to his own omnipotent will.

Again; it is admitted on all hands that the present circumstances of the world are so constituted that vice should bring its own punishment and virtue its own reward, to a very considerable extent. This arrangement seems to proceed from a principle of justice in the divine mind. But since retribution does not do its perfect work here, there is a probability that the principle will be perfectly carried out hereafter. Lord Boling-

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broke himself in order to reconcile the phenomena to the arrangement of an "all-perfect being" is compelled to suppose that our earth and the system in which it is incorporated, are "wheels" acting in subordination to the mechanism of the universe. He is willing to call in the aid of infinite space to serve his hypothesis, and yet he declaims against the analogous application of infinite duration by others to serve their's. Yet it would seem quite as probable that our present evils should be ancillary to *our own* future good, as to the cotemporary convenience of other remote and unknown beings. If we are to contemplate things as a whole, let us contemplate them as a whole in time as well as in space. All these probabilities, however, his lordship treats as mere absurd fancies, the creatures of fanatical fears or presumptuous hopes; and either dismisses them with a sneer, or confutes them with an argument à priori—by that same hypothetical process which he himself condemns, and of which the incautious and illegitimate use has occasioned a great proportion of those violent controversial storms, which have disturbed the quiet regions of theology and metaphysics.

We single out from the mass of these conclusions, that which regards the materiality and mortality of the soul, for the purpose of making some more detailed observations on this very interesting and mysterious subject. It is when we come to this investigation, that we are most struck with the force and beauty of Plato's allegory; which represents human beings, as men pinioned down with their backs to the light in a cavern which has but one inlet. They see the shadows of the objects pass by, but have no means of examining the objects themselves. Metaphysicians are similarly circumstanced. They see the shadows of mind and matter—the perception, volition, self-acting qualities of the one; the configuration, inertness, solidity, gravitation and other physical properties of the other. But since they have no faculties by which they can discern the primary and essential qualities, from which these shadows are reflected—or in plain language, since no one can tell us either what mind or what matter is, it would seem a hopeless inquiry to make, whether they are heterogeneous essences, having no properties in common, or only different modifications of the same elementary substance, or different substances

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having some qualities alike. But as this question, with our present faculties, seems to be interminable, so it appears to us indecisive, as regards the duration of the soul; since it is admitted that the ultimate elements of matter are as indestructible as the mind itself, considered as an uncompounded, spiritual nature. But after this arises another question, infinitely more critical and interesting, but scarcely, we fear, admitting of a more determinate and satisfactory solution. Is the mind so incorporated and identified with the body, that their vital functions cease simultaneously; or has the mind such a distinct and independent existence, that it is formed to subsist, as an intellectual agent by itself, after the framework with which it is now connected is dissolved? They are in this scene clearly designed to act upon each other, and administer to each other's benefit, and therefore have a close and intimate sympathy and union. They come into visible existence together, they grow and fade together, they are lost sight of together, and we have no examples of their separate existence or detached operations. On the other hand, the mind, upon many occasions, pursues a separate and almost opposite interest—it often suffers while the body flourishes, and rejoices while the body is afflicted. The martyr, the patriot, the enthusiast in any noble cause, mentally exults even while his frame expires in torture. The soul, too, employs its material associate as a minister, or rather as an instrument; exercises an undisputed dominion over it, and cherishes or sacrifices it, as most gratifies its own wishes and promotes the attainment of its own objects. And although Bolingbroke ascribes the doctrine of spirituality to human pride and overweening ambition, yet since the desire of immortality is an affection so universal as to amount to a natural instinct, it will have considerable weight, as an argument for immortality, in the estimation of metaphysicians, who are accustomed to discover as much adaptation to an end in the affections of the mind as in the powers of the body. In this dubious question inquirers have taken, and we apprehend will continue to take, different sides. Men of generous minds, and who live to great and good purposes, will cling to the part of immaterialism, as inferring immortality; those who are governed by selfish, sensual and sordid views, will readily take up with the opposite doctrine, whatever its consequences may be.

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If the question were to be decided by authority, the balance, both of numbers and value, would be vastly on the side of immaterialism. Early antiquity, both learned and unlearned, is in its favour, with scarcely an exception. Pyrrhonism and Epicurism were the comparatively recent offspring of the wantonness of wealth and the licentiousness of disputation. The traditionary doctrine of the spiritual nature of the soul may be traced through the early Roman and Grecian sages, legislators, poets and philosophers, up to Egypt—that redundant and mysterious depository of traditionary lore, from which all the ancient aspirants drew instruction on every abstract and metaphysical subject. Modern literature has the same overwhelming preponderance; although a considerable counterpoise has been created in the last and present age by the advocacy of materialism, as subservient to those anti-religious and atheistical systems which have been fashionable among a portion of European, and more especially French, writers. To this result Bolingbroke has contributed no inconsiderable share, principally through two of his pupils, Voltaire in France, and Hume in England, who have drawn nearly all their weapons from his armoury. They have sometimes, however, given them a finer polish and a keener edge; and while he has exhausted his in the open field of warfare, they have sought to take their enemies by surprise, and to assault them from the cover of some ambuscade or entrenchment, formed upon neutral ground.

The Scottish metaphysicians, on the contrary, have generally patronised the immaterial doctrine. To them we may trace the opinions and arguments recently advanced by Lord Brougham in his "Discourse of Natural Theology." And if any reader is disposed to defer his own judgment or feelings to Bolingbroke or the great names we have mentioned, we may fairly claim an equal respect to the authority of Hutcheson, Stewart, Brown and last but not least, Brougham. We do not mean to say that we go along with his lordship with full concurrence, through all the mazes of his metaphysical labyrinth, but we are glad to rest with him in his main conclusions. Of his arguments our readers shall judge for themselves.

"The evidence for the existence of mind is to the full as "complete," says his Lordship, "as that upon which we believe

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" in the existence of matter. Indeed it is more certain and more " irrefragable. The consciousness of existence, the perpetual " sense that we are thinking, and that we are performing the " operation quite independently of all material objects, proves " to us the existence of a being different from our bodies, with " a degree of evidence higher than any we can have for the " existence of these bodies themselves, or of any other part of " the material world. It is certain—proved indeed to demon- " stration—that many of the perceptions of matter which we " derive through the senses are deceitful, and seem to indi- " cate that which has no reality at all. Indeed it is barely " possible that all the sensations and perceptions which we " have of the material world may be only ideas in our own " minds; it is barely possible, therefore, that matter should " have no existence. But that mind—that sentient princi- " ple—that the thing or being we call "I" and "we," and " which thinks, feels, reasons—should have no existence, is a " contradiction in terms; of the two existences then, that of " mind, as independent of matter, is more certain than that of " matter apart from mind."

His lordship returns to the subject several times, and especially in a note directed against the "Systême de la Nature." In this note it must be allowed that if he does not demonstratively establish his own theory, he subverts, at least, that of his antagonists.

"The author," says his lordship, "begins by assuming " that matter exists; that we can have no doubt whatever of " this, and that any other existence is a thing to be proved. " Now what is this matter? Whence do we derive any " knowledge of it? How do we assure ourselves of its " existence? What evidence at all have we respecting either " its being or its qualities? We feel, or taste, or smell some- " thing—that is, we have certain sensations which make us " conclude that something exists beyond ourselves. It will " not do to say beyond our bodies, for our bodies them- " selves give us the same sensations. What we feel is some- " thing beyond, or out of or external to, or other than and " apart from *ourselves*—that is, from our minds. Our sen- " sations give us the intimation of such existence. But " what are our sensations? The feelings or thoughts of our " minds. Then what we do is this; from certain ideas in

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" our minds, produced no doubt by, and connected with, " our bodily senses, but independent of, and separate from, " them, we draw certain conclusions by reasoning; and these " conclusions are in favour of the existence of something " other than our sensations and our reasonings, and other than " that which experiences the sensations and makes the rea- " sonings—passive in the one case—active in the other. " That something is what we call mind. But plainly, what- " ever it is, we owe to it the knowledge that matter exists: " for that knowledge is gained by means of a sensation or " feeling, followed by a process of reasoning; it is gained by " the mind having first suffered something, and then done " something; and therefore, to say that there is no such thing " as matter would be a much less absurd inference than to say " that there is no such thing as mind!"

Lord Brougham having established the separate and independent existence of the mind, as he contends, " by evidence " of the strictest kind—induction of facts the most precise " and unerring," he pushes on his argument to the legitimate and purposed conclusion;—the indissolubility and consequent immortality of the soul. We have no instance, he affirms, of annihilation. The body is resolved into its elements, but not annihilated*. " But it may be said, why should it not, " like the body, be changed or dissipated, or resolved into " its elements? The answer is plain; it differs from the " body in this: that it has no parts; it is absolutely one and " simple; therefore it is incapable of resolution or dissolu- " tion. These words, and the operations or events they " refer to, have no application to a simple and immaterial " existence."

Lord Brougham, like all those philosophers who consider the immateriality of the soul as self-evident or capable of demonstration, " by induction of facts the most precise and " unerring," rests the whole superstructure of immortality upon this principle. " The immateriality of the soul is the " foundation of all the doctrines relating to a future state. " If it consists of material parts, or if it consists of any mo- " dification of matter, or if it is inseparably connected with " any combination of material elements, we have no reason

* " Discourse of Natural Theology," p. 107.

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" whatever for believing that it can survive the existence of " the physical frame; on the contrary, its destruction seems " to follow as a necessary consequence of the dissolution of " the body."

Without designing to question the inductive process, by which his lordship has arrived at his conclusion in favour of immateriality, yet must we protest against the unwarrantable and awful importance ascribed to that conclusion—that upon it rests "the foundation of all the doctrines relating to a " future state." We must not forget that Locke and Newton, not to mention a multitude of minor authorities, have professed themselves unequal to the decision of that much agitated question—the nature of the soul; and professed not to see any impossibility in thought being communicated to matter; yet were they firm believers in the soul's future existence. We believe that there are still great numbers who profess the same ignorance, and yet maintain the same belief; and we should be sorry if any such persons should come to think that their future existence depends upon the validity of arguments which they cannot comprehend, or on the reality of facts they scarcely admit.

There is great difficulty indeed—nay impossibility in conceiving how matter can be made to think, but there is a greater yet (if there be a gradation of impossibilities), in conceiving how any thing whatever can be made to think. These are among *the deep things of God* which it is not given us to fathom. Our opinion is that the soul is immaterial, and we think *that* a strong, but not a *critical* reason for its immortality. Were that ground taken from us and the many other cogent reasons left for that belief, we should entrench ourselves against Lord Brougham's inference, by the conviction that if our Creator designed us for immortality, it is at least as easy for him to perpetuate as create the soul, of whatever elements it is constituted.

But we return to Bolingbroke and his "First Philosophy." If he had been satisfied to stop at that point where sense and experience cease to furnish light to his reason, and beyond that point either to hazard no opinion, or to hazard it merely as a conjecture, he would have afforded no just occasion of complaint or scandal. If for instance when he had decided, upon indis-

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putable principles, in favour of an "all-perfect, infinitely-wise and powerful Being," by whom the world was created both in matter and form, he had chosen to say that the phenomena do not bear out the conclusion that divine goodness is of that nature to preclude suffering or to provide for every individual, except through some fault of his own, a balance of enjoyment; and that divine justice does not present itself as a principle which assigns to every rational creature a degree of happiness or misery proportioned to his deserts—that it is questionable whether or not men are governed by special interferences—whether the soul is immortal—whether there will be a future state of retribution, his proceedings would have been justifiable and his researches not without their use. But he has very dogmatically, or very illogically at least, adopted the negative of all these litigated questions; while he has sternly rebuked his opponents, who are so "presumptuous and silly" as to deduce by synthetical argument, opposite opinions, from general principles not strictly demonstrable.

The meagre and inconsequent system of ethics and theology, which he has constructed with so much labour and study, leaving all the most interesting questions in these sciences either utterly undecided or rashly determined, furnishes an indirect but very strong argument for the use and necessity of revelation. He has advanced as far as an induction of facts warrants him, and he remonstrates against the presumption of attempting to establish the doctrines, which we are most interested in ascertaining, by abstract or synthetical reasoning —well knowing that by any other they cannot be reached. Well, then, we must either be content to remain ignorant, or seek the information we want from some supernatural communication.

We so far agree with him as to think that one word, clearly expressed and fully authenticated, proceeding directly from the eternal fountain of truth, would be worth all that ever was written, or said, or thought, by the most profound metaphysician that ever handled these grand debateable questions. They have been weighed, and scrutinised and discussed from the remotest periods which literary monuments record; yet their satisfactory solution seems as distant as ever. Astonishing improvements have been made in geology, chemistry, mathe-

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matics, in the physical and abstract sciences generally, since the commencement of the last century; metaphysics too have been sedulously, if not successfully cultivated by men of the highest talents, yet no fresh light has been reflected from these sciences upon the controverted points of ethics and natural theology. Facts, however, are abundantly and obviously scattered around us, that demonstrate the infinite power, and wisdom and benevolence of the Deity; but we search in vain, far and near, for phenomena that incontestably *prove* his personal and providential care of individuals, a judicial superintendence and process, the mind immaterial and immortal, or a future state. Newton or Laplace may conduct us through boundless space and show us the handywork of an Almighty artificer in the symmetry, and order and co-relation of systems inconceivable in their magnitude, their multiplicity and distance; or we may mount up with Cuvier and Buckland through millions of centuries past and gone, to a time when this earth had no living creature on its surface, and trace the various successions of animals down to our own hour, and yet no fact involving any new and undiscovered principle will meet us. The indications of divine power and wisdom, indeed are diversified and multiplied ad infinitum, but they lead us not beyond those truths which a more limited observation and less ambitious inquiry—an examination of objects within the sphere of natural vision, and the consideration of our own organs, had enabled the earliest reasoners to discover, and which Aristotle has so well expressed, according to the interpretation of Cicero. "Si essent, inquit, qui sub terrâ "semper habitavissent accepissent autem famâ et auditione "esse quoddam numen et vim deorum; deinde aliquo tempore, "patefactis terræ faucibus, in hæc loca, quæ nos incolimus, "exire potuissent; cum repente terram et maria, cœlumque "vidissent, nubium magnitudinem, ventorumque vim cog-"novissent, aspexissentque solem, ejusque tum magnitudinem, "pulchritudinemque, tum etiam efficentiam cognovissent "Cum autem terras nox opacasset, tum cœlum totum cernerent "astris distinctum et ornatum, lunæque luminum varietatem "tum crescentis, tum senescentis, eorumque omnium ortus et "occasus, atque in omni ætate ratos immutabilesque cursus;

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" hæc cum viderent, profecto et esse deos, et hæc tanta " opera esse deorum arbitrarentur*." Nor were the ancient philosophers more at a loss than we, to ascertain both the efficient and final cause of the constitution of the universe, and of our own frame in particular, both physical and intellectual. " Sic undique omni ratione concluditur, mente consilioque " divino omnia in hoc mundo ad salutem omnium conser- " vationemque admirabiliter administrari†."

If then we are to make progress in the science of theology, it must be under the direction of the great Being who is the object of our speculations. Baffled and frustrated as all merely human efforts have been to discover the attributes, the counsels and designs of our Maker, except as far as they are presented to our organs of sense, we ought at least to learn sufficient humility to be willing to listen if we are taught, and to give a fair hearing to a communication which imports to have a divine authority, and which professes to establish that authority on satisfactory evidence.

Now we are persuaded that the evidence in favour of the Christian revelation is of sufficient weight to give satisfaction to an unprejudiced and humble inquirer. Its historical authenticity stands upon an immoveable, we will not say unassailable, basis. But the Christian Scriptures are as well attested to have been written by the disciples and companions of Jesus Christ, as Clarendon's History and Sully's Memoirs to have been written by ministers and companions of Charles I. and Henry IV. It is true that if inquirers approach the investigation with certain preconceived ideas of what is right for God to say or do, founded upon arguments à priori—if with Bolingbroke and Hume they persuade themselves that God will never suspend any of his own mechanical laws; never work a miracle, nor ever think such creatures as men worth a separate and especial consideration, either for punishment or reward, such conviction will not ensue. There is an invincible barrier to it, set up in the mind of the inquirer. It is evident to any careful reader of these two sceptical writers, that such were the barriers that obstructed their belief. For both of

* Cic. De Nat. Deor. lib. 2. c. 92. † Idem.

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them admit the strength of the historical proof in so many *words*, and in *fact* admit its irrefragability, for they elude its force, by affirming that no human testimony is sufficient to verify a miracle, because, say they, it is "repugnant" and "contradictory to experience." This however is manifestly an assumption, which no knowledge they can have of the deity à priori can authorise them to make, and has been most satisfactorily confuted by Leland and Paley, and still more stringently by Lord Brougham*. It speaks no little in favour of the firmness and perfection of the external defence, that it has been diligently and repeatedly reconnoitred by the keen and inquisitive eyes, and battered by the powerful artillery of Bolingbroke, Hume, Gibbon and Voltaire, and yet no weak point discovered, no practicable breach effected, through which a decisively successful assault could be made and the structure demolished.

We do not advise the students of revelation to adopt the insidious advice of their opponents—and so neither attempt to "prove" or even "defend" their cause by "reason," because it may be often necessary to meet and repel the enemy on his own ground. But we would counsel them, for their own behoof, to advance just so far in natural theology as a fair induction of well ascertained facts will conduct them and no farther. At that point let them, by strict inquiry into the evidence of the Christian revelation, satisfy themselves of its truth; then, and not before, lend themselves with becoming docility to its guidance, and take from it the solution of those superlatively important questions, which no human reasoning or sagacity is capable of determining, but which no reflecting mind can be well content to leave undetermined.

* Discourse of Natural Theology.

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